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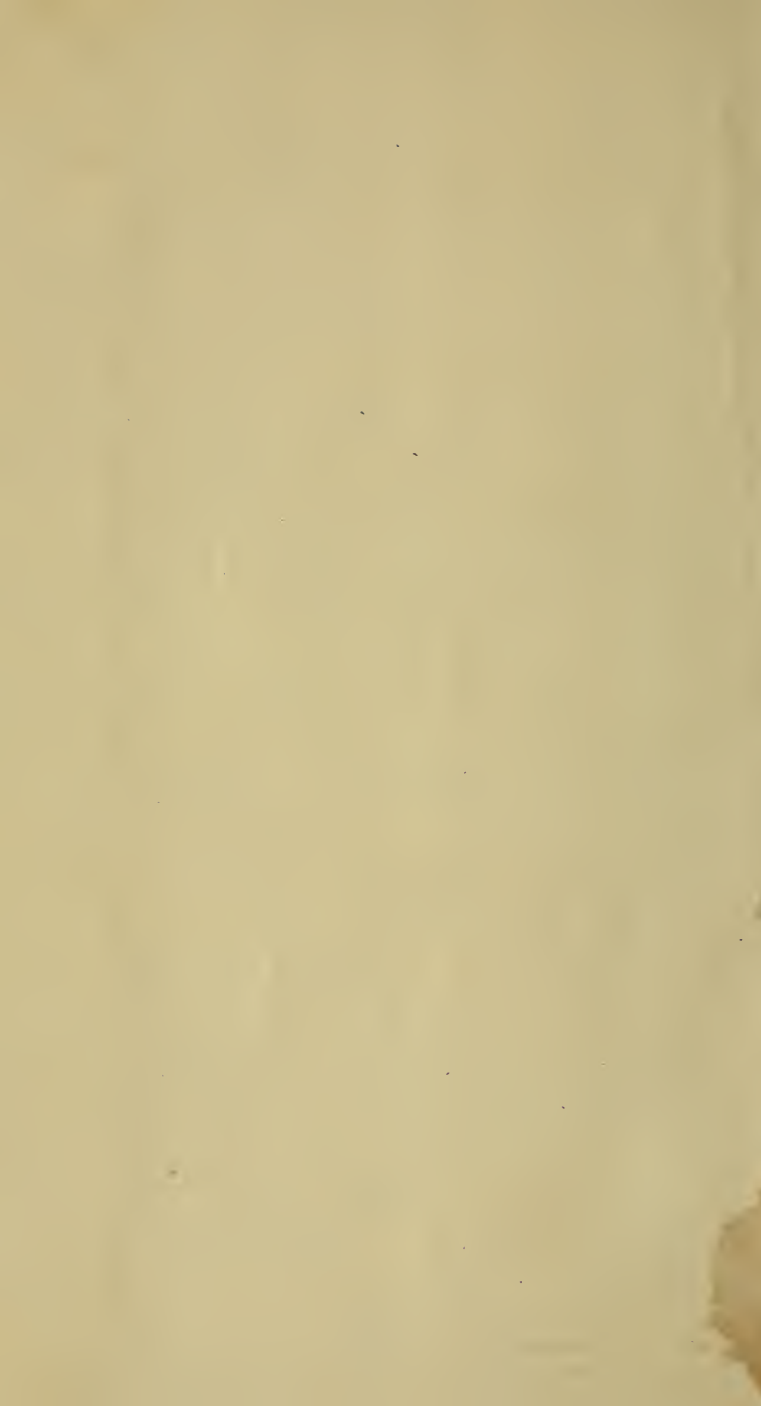
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ESSAYS AND LETTERS

ON

VARIOUS

POLITICAL SUBJECTS.

BY JAMES WORKMAN, ESQ.

Counsellor at Law.

The second American Edition.

New-York :

PRINTED AND PUBLISHED BY I. RILEY.

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1809.



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District of } *ss.* **BE IT REMEMBERED,** That on the
New-York, } first day of June, in the thirty-third
year of the Independence of the United States of America,
ISAAC RILEY, of the said District, hath deposited in this
Office the title of a book, the right whereof he claims as
proprietor, in the words following, to wit—

“Essays and Letters on various Political Subjects. By
JAMES WORKMAN, Esq. *Counsellor at Law.* The Second
American Edition.”

IN CONFORMITY to the Act of the Congress of the United States, entitled “An Act for the encouragement of learning by securing the copies of Maps, Charts, and Books, to the Authors and Proprietors of such Copies during the times therein mentioned;” and also to an Act supplementary to an Act entitled “An Act for the encouragement of learning by securing the Copies of Maps, Charts, and Books, to the Authors and Proprietors of such Copies, during the times therein mentioned, and extending the benefits thereof to the Arts of Designing, Engraving, and Etching Historical and other Prints.”

CHARLES CLINTON,
Clerk of the District of New-York.

ADVERTISEMENT.



OF the following Tracts, the first Edition of the Argument against continuing the War, was published in London, on the 25th of May, 1795 ; and the first Edition of the Letter to the Duke of Portland, came out in that City, in the month of January, 1797. The remaining pieces were first published in America.

GOULD & VAN WINKLE, Printers.

AN ARGUMENT
AGAINST
CONTINUING THE WAR FOR THE SUBVERSION
OF THE
FRENCH GOVERNMENT.

BY JAMES WORKMAN, ESQ.

Of the Middle Temple.



THE affairs of Europe are now in a more critical state than they have been at any time within the period of modern history. Never, since the irruptions of the Gothic nations, was there a conflict maintained with so much fury, or attended with such desolation, as distinguish the present war ; and if we except the religious contests that distracted Europe during the dark ages, no other struggle has occasioned so many dissensions in society, and so much of that spirit of intolerance which destroys the happiness of social life. The calamities which we have already felt from the war are few in comparison with those that may be reasonably apprehended, if his majesty's ministers persist in their present measures ; for the object of the war, as avowed by them at different times, and in various language, does not permit us to hope that it can be completely terminated until one of the belligerent parties be conquered or destroyed. The objects of most of our former wars have been dominion, glory, or commercial advantage, and the evils attending them were generally a dreadful slaughter of men, and a great waste of treasure ; but the

national existence was never in danger. To view the present conflict with the same indifference with which it was not uncommon to regard the progress of those wars, would be in us the most stupid folly. It nearly concerns every man who is engaged in a contest that cannot end but in the destruction of his enemy or himself, to consider on which side the chance of safety lies ; and it is strongly the duty of every Englishman to pause before he puts in hazard every thing dear and valuable to him : he should calculate the worth of the object, and the probability of his attaining it, for which he risks the safety of those laws that secure to him so many blessings, and the existence of that grand fabric of wealth and power which it has required so many ages of the painful and adventurous industry of his ancestors to rear, and so many hard struggles of their valour to defend.

Our commerce never afforded so rich a prey, and we have never of late years contended with an enemy from whom we could make fewer reprisals than from the French republic. More ships have been taken from us in the years 1793 and 1794 than we lost during the whole of the last or of the preceding war. Our commerce has also been greatly injured by the poverty of our foreign markets, owing to the general commotion, and the increased expenses of foreign states, which have taken from their subjects the superfluity that enabled them to purchase our commodities. Every state in Europe has been impoverished by standing armies, and by the operation of the funding system. This appears from the extraordinary number of bankruptcies that have happened on the continent since the war.

By the war, the markets of France, Holland, and a great part of Germany and Spain, are lost to us entirely ; and

the value of the inhabitants of those countries with which we may still trade, is greatly diminished to us in a commercial view. Taxes, and the destruction of property, wherever they take place, are injurious to a commercial people, who are candidates for as much of the property of every country as the inhabitants will spend. Every tax, every waste of an estate in Portugal, Spain, or Italy, diminishes the customers of England, and will be felt by the merchants of Leeds and Birmingham. The misfortunes of every part of the world are injurious to the commerce of this island, which is therefore interested not only to avoid war, on account of its own losses and expenditure, but even by friendly mediation to dissuade other countries from contending with each other, that they may not waste in war that property, of which great part would come into our possession if they remained at peace—England being the greatest commercial country in the world, is the barometer of its prosperity ; and every great calamity that happens, in whatever part of the world, will affect us in proportion to the extent of our commerce.

Many parts of the British empire are so circumstanced, that government cannot reasonably expect much assistance from them in the moment of danger. In Scotland and Ireland great discontents have lately prevailed. If the grievances of the Roman Catholics in the sister kingdom are not speedily redressed, a separation may be the consequence, which would be a death blow to the British empire. Ireland supplies the navy with provisions, and the army and navy with men ; she has given during this war, more than 150,000 soldiers and sailors to his majesty's service. When this immense resource is lost, recruits must be found among tradesmen and manufacturers ; but if they are taken from their employments, our regular

means of supporting government will be greatly diminished. Were the ports of the Irish channel in the possession of the enemy, our homeward bound merchant ships would require the protection of strong convoys, or be obliged to risk the dangers of the north passage, and perhaps of Dutch privateers.

Our affairs in the East Indies are not so unfavourable. It remains, however, to be known, what part the Dutch settlements will take. We have in India an inveterate enemy, who would not fail to seize the least advantage that our distresses, or the power of the French, might afford him, in hopes of retrieving his reputation and his dominions.

The resources of this country are represented to be in a flourishing condition. Our commerce is certainly, notwithstanding all losses and impediments, rich and extensive; our manufactures are numerous, and superior in general to those of the same kind in other countries; but the produce of the soil is at present insufficient to support the inhabitants. It could not, therefore, contribute to extraordinary expenses. The resources of commerce are precarious; they are diminished in a much greater degree by war than those afforded by agriculture; and the loss of one battle at sea might destroy them, or (what would have the same effect for a considerable time on the operations of government) the confidence of the public in their greatness and stability.

The resources of France are not inferior to the heroism of her people. There is not a prince in Europe whose authority is equal to that of the National Convention: in every thing that relates to the defence of the country, it

exercises an unlimited power ; and however it has been distracted by its own factions, it has never been abated in the energy of its operations against the common enemy.

In the midst of tumults and military preparations, the utmost attention is paid to agriculture, and to all the sciences that can contribute to improve the art of war. In short, the whole labour of the country, beyond what is sufficient to support the inhabitants, is either directly or indirectly in the service of the government.

To keep this mighty machine in motion evidently requires vast pecuniary resources ; these consist of gold and silver to the amount of about 20 millions sterling ; and of paper currency, supported chiefly by the confiscated lands

When ministers speak of the French finances, they avail themselves of a misrepresentation in which it is extraordinary they are not always detected. They expatiate on the great depreciation of the assignats, yet when they state to parliament any expenditure of France, they represent it (in British money) as if the assignats were at par, and exult at the seeming extravagance which is the necessary effect of the depreciation. For instance, when assignats are fifty per cent. below par, it is evident that one million sterling would go as far in France as two millions in assignats. Lord Mornington and Mr. Pitt, would then declare that the credit of the republic was in a most ruinous situation, their paper money being worth no more than half the nominal value. If they noticed some article of expense, which had cost the French, suppose forty-eight millions of livres, or two millions of pounds, (no more in effect than one million sterling, according to the gi-

ven depreciation,) they would assert that it was impossible that a government which expended two millions sterling on such an occasion, could continue the war another campaign. And they would then boast of our own extravagance as economy and moderation. When they wish to represent the French republic on the verge of bankruptcy and ruin, they state sometimes with exaggeration, and sometimes with fidelity, the depreciation of the assignats. When they wish to represent France as burdened with enormous debts, and carrying on the war at an expense which it is not possible for any nation to bear long, they take the assignats at par, and state the debts and expenses in sterling money. If these gentlemen make use of the depreciation of the assignats as an argument against the credit and stability of the French government, they ought, in fairness, to state their debts and expenditure according to that depreciation. If, on the other hand, they state those debts and expenses without making any abatement on account of the depreciation, they ought to give the French government credit for having their assignats at par.

Though this latter mode would allow them a credit which they do not possess, the advantage in men's opinions would be overbalanced by the imputation of extravagance. The debts and expenses of France being incurred in depreciated paper money, ought to be estimated according to its real value; and it will then appear that they are not so enormous as ministers represent.

The report of Cambon, made on the 22d of January, 1795, states, that France has expended in four years and an half two hundred and twenty-two millions sterling in assignats more than would have been expended if the old

government had continued, and that there had been no war. At whatever rate these assignats were issued, (most of them, no doubt greatly under par,) they must now be valued according to the present depreciation. Mr. Pitt and Cambon agree in stating that assignats now lose eighty-five per cent.; that is, that one hundred livres in assignats are worth no more than fifteen livres in silver; at this rate the two hundred and twenty two millions are no more in fact than about thirty-three millions of our money. The whole expenditure of France during the war, has been two hundred and sixty millions sterling, the paper currency being supposed at par. But by the depreciation of eighty-five per cent. this sum is reduced to something less than forty millions sterling. The whole expenditure of the month from September 22 to October 22, 1794, was two hundred and forty-three millions five hundred and eighteen thousand seven hundred and thirty livres, upwards of ten millions sterling, and the depreciation of assignats at this time, was about seventy-five per cent. These ten millions were therefore equivalent to no more than two millions and an half. Taking this sum as the average actual expenditure of the different months of the year 1795, the expenditure for that year will amount to thirty millions sterling. The receipts from the same month were forty-three millions fifty-eight thousand five hundred and seven of livres, about twenty-one millions sterling per annum; and at the above rate of depreciation upwards of four millions sterling. The deficiency of the debt for one year will, therefore, be no more than twenty-six millions of our money; no extravagant sum considering the greatness of the military operations of the French. If from the whole sum expended by the enemy during the war, be deducted the financial advantages which he will not fail to draw from the multitude of his conquests, particularly the conquest of

Holland, we shall have no reason to flatter ourselves with hopes of the speedy ruin of his finances.

The whole amount of the assignats in circulation at the beginning of the year was six thousand five hundred millions of livres, about forty-two millions sterling, at the present discount. Therefore forty-two millions sterling in money or in property of any kind would now pay the whole of the floating debt of France, provided that the holders of assignats were obliged to accept of payment for them at this depreciation.

Whatever inconveniences the French government may feel from the depreciation of their paper currency, the French nation will at the end of the war be easily liberated by the depreciation, from the load of debt which might oppress them for a century, if contracted in the ordinary manner. It cannot be supposed that all the holders of assignats will be paid at par. To reimburse them in this manner would be impossible; and if it were possible, it would be unjust. The greater number of the holders of assignats will have received them at a depreciated value, and they cannot expect to be paid by the state more than they have given for them. If upon the establishment of peace, all the assignats were to be redeemed by the nation at par, a multitude of persons, instead of bearing their just portion of the public burden, would derive enormous wealth out of the public calamity; and thus the people would for ages be oppressed, to support a host of speculators in idleness and luxury.

It must be acknowledged that the advantages gained in this manner by the state have been purchased by the sufferings and losses of many individuals; but these losses

must have been sustained. Two hundred and sixty millions sterling (nominally) have been expended during the war ; some of this money was issued at par, and a great deal of it much below that rate. Suppose on an average of the whole, that the real sum expended was two hundred millions, which has now by the depreciation fallen to forty millions ; the holders of assignats, that is, the nation, have lost by the depreciation one hundred and sixty millions sterling. But it was necessary to raise the sum of two hundred millions to support the war and the revolution ; and this sum (unless for the creation of the paper money) must have been either raised by enormous taxes, or borrowed at an exorbitant rate of interest, proportioned to the various fortunes of the republic. To have raised the whole sum by taxes, would have been a greater grievance to the people than what they have suffered by the depreciation, on account of the difficulty and expense of collecting large taxes. It is therefore better for the French, by the difference of this difficulty and expense, to sink one hundred and sixty millions by depreciation, than to pay that sum by ordinary taxation. It is also better for them that they have sunk at once one hundred and sixty millions by depreciation, than that they should have funded and paid an enormous interest for that sum ; for though in the latter case they might not have paid so much, even including the expense of collection, they would still have had to discharge the capital, which would have remained after the war a heavy burden upon themselves and their posterity.

This depreciation may itself be called an extraordinary tax. The cost of collecting it is trifling, being only the expense of the fabrication of assignats. Whatever it produces comes without further diminution into the public

treasury: and the burden of it is in proportion to the quantity of assignats that each person possesses.

This tax falls most heavily upon bankers, rich men, and all those who have a fixed revenue arising out of lands, or any other species of property; that is, upon the persons who ought to be heavily taxed, when heavy taxes are unavoidable. The depreciation is less felt by tradesmen, manufacturers, and all who live by the wages of labour, and the sale of the produce of the earth; for labour and the produce of the earth will always bring their just price, provided there are no maximum laws. The industrious classes are therefore less burdened than any other, by the tax of depreciation.

Mr. Pitt has asserted, I think incorrectly, that the system of moderation lately adopted in France is injurious to the credit of the assignats, and that Robespierre's maximum laws supported by means of terror, gave additional value to them, and consequently additional energy to his ferocious government. By these laws, the government supported itself, not from the contributions of the whole nation, but by robbing individuals. When the French government issue assignats at the market price the tax of the depreciation is paid by the whole people, and the individuals who have dealings with the government pay no more of this tax than their just share. But if the government issue their assignats at par, the depreciation being at the time, suppose fifty per cent. and force an individual to sell his corn or his ship, and to take in return these assignats at a par price, the individual is robbed of one half his property, besides paying as well as others his quota towards the public taxes. By the maximum laws, farmers, tradesmen, labourers, manufacturers, in short, all the useful

and industrious classes, were robbed to support the rich and unproductive, of so much as the maximum prices of their labour and produce fell short of the true prices. This difference often amounted to half the value of the commodity.

Persons of fortune, whose incomes through the operation of the maximum laws, were not affected by the depreciation, paid little or no part of that tax, which fell altogether upon the poor and industrious. Thus the true order of taxation was reversed. Those who were taxed lightly ought to have been taxed heavily, and those who were taxed heavily, ought to have been taxed as lightly as the exigencies of the public would admit. The maximum laws heaped favors upon the rich, and plundered the poor. They paid court to those who are seldom dangerous to government, while they oppressed and irritated a numerous and licentious class, who had the power, and had often shown they did not want the inclination to redress their grievances by insurrection. The maximum laws so far from giving energy and stability to the government of Robespierre, were among the principle causes of his destruction. To support this part of his dreadful system required perpetual executions, for which he was abhorred, and at length abandoned by the people.

The maximum laws were as injurious to the true credit of the paper currency, for whose support they were enacted, as to the safety of the government. Like the old laws, which inflicted heavy penalties for taking interest for money, they defeated their own purpose. They attached chiefly upon the necessaries of life, or in the French phrase, upon articles of the first necessity; but though they affixed the highest prices that could be demanded for them (prices

greatly below the true value) they did not in many instances oblige the owners to sell them, and the owners would naturally wish to keep them from the market as long as possible. But as the maximum laws were enacted in times of scarcity, there was always a great demand for the maximum articles. The demand for food on the one hand, and the eager desire of gain on the other, would cause the law of the maximum to be disregarded, notwithstanding the heavy penalties it imposed. Enormous prices would be given to the seller of provisions ; for he would require not only a just equivalent for his commodities ; that is, the price they would bring, if no maximum law existed, but he must be handsomely paid for the great risk he incurred by an illegal transaction. Assignats would in this manner be depreciated by the laws intended to support them.

One of the causes that give credit and currency to the assignats is the demand for them as instruments of commerce, but for this purpose they must be allowed to find their true value. They must not, by obtaining from the legislature a forced credit, become the instruments of public robbery and private injustice. When the difference between the maximum prices and the just prices becomes very great, as it soon must, in consequence of the increasing quantity of paper money, all affairs of commerce will be transacted either without regard to the maximum law by means of the assignats, which must be depreciated by such transactions, or by barter or by specie, by which the demand for the assignats, as a medium of traffick, and consequently their value, will be diminished.

It is not cruelty and terror, but justice and moderation that will support the finances of France. When the go-

vernment is just, the people will have confidence which is the only real support of every factitious currency. Had the system of terror and the maximum laws been continued, their influence would have been as ruinous to the paper money as to every thing else within their reach. They injured the sale of the national domains; for what man would give a large price for land, when he might be lawfully plundered of its produce: They nearly destroyed many branches of commerce and manufacture for who would engage in either when forbid on pain of death to make any profit of his capital, and when all unprohibited traffick was but mitigated robbery?

The depreciation of the assignats, great as it has been, is not so detrimental to the French government as his majesty's ministers suppose. The assignats were made for two purposes: To serve as an instrument of commerce, and as a medium by which the government were enabled to command a portion of the produce and industry of the country. With respect to commerce, it is not of so much consequence that the assignats should bear a high value, as a certain value; for that which is to represent the value of all things should be the least liable to vary. The revolutions in the government, and the events of the war, caused a fluctuation in the price of assignats that did much injury to trade; but the government, who were always struggling for their existence, did not give themselves much uneasiness about the embarrassments of merchants. With respect to the government, the depreciation was not so severely felt.

The circumstances that give strength to a paper currency like the assignats, are the public opinion of the stability of the government, the pledges offered in exchange

for them, the debts and the taxes which may be paid by them, and the demand for them as instruments of commerce. The people of France have never been in less dread of a counter revolution than at present. The greater part of the territory of the republic is the pledge of the assignats ; and with regard to the sale of that part of it which has not been disposed of, it signifies little whether one livre in silver will purchase two, or twenty livres in assignats ; the land will sell for its real value. What would bring one livre when they are at par, would sell for two, when the depreciation is fifty per cent. When the state is obliged, from the depreciation of its currency, to pay double (nominally) for the services of its citizens, it receives from them a proportionable price for whatever it sells to them. If the national property is considerable enough to defray all the public expenses, the government can suffer little from the depreciation of its currency.

The same observations hold with respect to taxes. If the assignats fall gradually to one half, or one fourth of their nominal value, the taxes may be nominally doubled or quadrupled, without imposing any additional burden upon the people. The principal effect the depreciation would then produce, would be the emission of a greater quantity of paper, or a change in the denomination of the notes.

The case in which the government cannot be injured by depreciation, is when the quantity in value of the paper money issued is not greater than the value received in taxes, and in payment for national property.

If the depreciation be great and rapid, and if the quantity emitted be enormously greater than that which is de-

stroyed by taxes and other means, the French government will be much embarrassed. That they will soon be in this situation appears highly probable. Their immense armies—the myriads whom they employ in providing them—the gigantic scale of all their operations—their extravagance in many instances—and in some, their embezzlement of the public money, have required such an emission of assignats, that even the immense resources of France have been insufficient to keep them down. Were we contending with a state that relied upon regular resources, we might consider this circumstance an advantage; but since our object is the destruction of a government to which the people seem enthusiastically attached, and for whose support they are ready to make every sacrifice, no financial difficulties will subdue them while men and money can be by any means obtained. If the depreciation of the assignats should become so great as to make them of little or no value, there are many expedients to which the government, who have never been scrupulous on such occasions, may have recourse. The state lands have been already sold, but the purchasers did not pay immediately. In general, the price was divided into twelve parts, to be paid at twelve annual instalments. The principal sales took place since the year 1792. The convention have therefore yet to receive several instalments upon this immense property, which will withdraw from circulation a great mass of assignats, and will therefore increase the value of the remainder. But as these lands were sold for a specific sum, the subsequent depreciation of the currency makes the sale injurious to the nation; that which was a fair price when assignats bore a high value, may be at this time too small by one half. If the convention is embarrassed, the purchasers may be told, that the spirit of the contract must be observed, and that they must add

to future payments, such a sum, beyond that which was agreed upon, as will compensate for the depreciation since the sale.

If the purchasers dislike this arrangement, the assignats already paid by them will probably be returned with interest, and an allowance for the depreciation, and the lands be put up to auction anew. Should even this expedient be insufficient, the French government may have recourse to the measure which they adopted on the 14th of December, 1793, that no assignat above a certain value should be received at the treasury, after a certain time. If pushed still further, they might make a similar decree with regard to the whole currency; the effect of which would be, that all national property sold in the mean time would bring an immense nominal price, and the finances would be completely liberated. If the convention were driven to the utmost extremity, they might declare all the assignats already in circulation, waste paper, make a new emission, and open a new account; such measures would indeed amount to downright robbery; but they are not the less likely to be adopted by the convention. The distress and complaints that would ensue would be soon overcome by the energy of the government, and the enthusiasm of the people. If we may judge from experience, there is no evil which the French nation will not endure, no sacrifice which they will not make, rather than submit to the re-establishment of their former government.

If we contended with France, as formerly, only for wealth and dominion, the embarrassments of her finances might terminate the war in our favour; but we fight to subvert the system of her government, and we have ample proof that we cannot succeed without subduing the country.

We have also proof that its inhabitants will make every exertion, rather than submit to a conqueror. When, therefore, it is proposed, to examine how long they are able to hold out, and continue the war, we should lay aside common financial considerations, and inquire how long the whole produce and industry of the country would be sufficient to support the people, and their armies. The assignats are the only medium for transferring the surplus produce and industry into the hands of government. Whatever derangements there may be in this currency, neither produce nor industry will be destroyed by them. The government will soon find means of commanding both; and they never will abandon the struggle while France yields food and clothes enough for her inhabitants, and arms and ammunition enough for that part of them destined to oppose her enemies.

That her whole produce will be sufficient for those purposes, for any length of time to which the war can be prolonged, is probable. It has been found sufficient hitherto, without having been called for with that rigour with which it would be exacted in the extremity of distress. Though the government have accumulated a great debt, they have not borrowed from any foreign state, which they must have done, if more than the whole produce of France had been consumed. On the contrary, they are said to have lavished immense sums in certain countries.

It is very improbable that the produce of France, for the next eight or ten years, will fall short of what it has been of late, or even in the most flourishing period of the monarchy. Her agricultural wealth was always superior to that which arose from her manufactures and commerce. It is the reverse in England. Our commerce, and our

manufactures, which in a great measure depend upon our commerce, form the chief part of our wealth. The commercial and manufacturing interests of France have suffered extremely by the war; but the agriculture of that country has been improved; every encouragement is given to it by the legislature. New modes of cultivation are pointed out, machines invented to facilitate labour, the public roads improved, canals formed, and those immense portions of the earth that under the old government were rendered useless by pride and ostentation, are now made profitable to the state. To give efficacy to these improvements, commissioners with full authority are sent into every part of France; and the result has been, notwithstanding the oppression of the maximum laws, and the destruction occasioned in many departments by revolt, that her soil has never yielded more abundant harvests than since the revolution.

Let us therefore banish the delusive hope of conquering France by her financial difficulties. Admit that we have treasure without end; France is equally rich in the fertility of her soil, and the enthusiasm of her people. We shall never be able to weary her from maintaining her rights, as an independent nation, while she has men to fight, and food to support them; and if her enthusiasm remains (as it certainly will, while the war for the restoration of her former government lasts) her natural resources will enable her to continue hostilities, even on the present gigantic scale of operations, for five, forty, or a hundred years.

Let it even be supposed, that the success of the two next campaigns, should fully gratify the hopes of the most sanguine; that the enemy should be driven from Germa-

ny, Holland, the Netherlands, Italy and Spain, and that the allies should be again in possession of Valenciennes, Conde, Landrecies, and Quesnoy; we should not then be nearer the attainment of the grand object of the coalition than at present. New assignats would be created—fresh soldiers would fly to the frontiers—renovated enthusiasm would urge them to battle—and the armies of the allies might, as usual, either be cut to pieces, or forced to save themselves by flight.

We have as little to hope from the assistance of the royalists of France, as from the state of her pecuniary resources. When this party were in their utmost strength, we were unable to derive any benefit from their co-operation; they have been since broken by numerous defeats. The effect of the decree of amnesty upon those who escaped is well known; and it is not to be expected, from the specimen they have had of the temper of the French government, that they will again encounter its fury.

The expectation of counter revolutionary insurrections in Paris, we have found to be delusive. The objects of all the revolutions and insurrections that have happened in different parts of the republic, (La Vendee alone excepted,) were essentially different from that which his majesty's ministers have avowed: In general, each revolution has removed the government farther from monarchy than the preceding. Such was the force of the popular aversion to royalism, that whenever a party could fix the imputation of it upon its adversaries, it destroyed their credit.

History teaches us that the object of our pursuit is fruitless. Wars made against opinions have only served to give them strength. There is hardly an instance of a popular

revolution being tolerable successful in the beginning, and afterwards frustrated by foreign force; but the history of the world is full of examples of insignificant states, which by the astonishing energy of political enthusiasm, have vanquished all the forces of the greatest monarchies. Rome, when she banished the Tarquins and became a republic, was assailed by all the kings of Italy; whom she repulsed and finally conquered.* Every one knows the

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** The conduct of the Romans at this period bears a strong resemblance to that of the French since the revolution. When Tarquin was banished, Collatinus, the husband of the violated Lucretia, was chosen one of the Consuls in preference to Valerius, not on account of superior virtue or talents, but because he was imagined to have a keener hatred against the family of the tyrant.—In France the Brissotin and Rolandist parties lost all credit with the people by attempting to save the life of Louis the XVI.*

The ambassadors of Tarquin were refused an audience by the senate—an oath was taken never to submit to him, but to maintain the liberty of Rome by force of arms. Brutus ordered two of his own sons to be put to death, for conspiring to restore him; a multitude of other conspirators shared the same fate. Collatinus was deprived of the consular dignity, for attempting to save the lives of his nephews, who were acquainted with the conspiracy, and he was banished from the city, because he was related to the tyrant. The people were allowed to plunder the goods belonging to the king, and his palace was levelled with the ground. His cause was afterwards espoused by the Latins, and by Porsenna, the most powerful prince in Italy, who besieged Rome with an immense army.

glorious and successful struggle made by the inhabitants of Switzerland against the whole power of the house of Austria, for twenty years ; and by Holland during thrice that period against the Spanish monarchy, although these

*During the siege, the Romans were afflicted with a pestilence, and distracted by the number of the king's friends, who were yet in the city, and whom they were obliged to terrify by frequent executions. They were also harrassed at the same time by a Tuscan army.—Porsenna, admiring the heroism of the Romans and seeing the folly of attempting to subdue them, was at length induced to abandon the cause of the few exiles who had assured him that the assistance of their friends in Rome, and the weakness of the other party, would enable him to restore Tarquin without much difficulty. After this event, Tarquin was assisted by other states, who were soon compelled to make peace upon such terms as the Romans pleased to dictate. At last, after a contest of three years he found all hope of effecting a counter revolution vain, and returned to the city of Tusculum, where he lived fourteen years with his wife in a private manner. See Plutarch in Poplicolam, Dionysius Hal. Lib. 5.—Livy, Lib. 2. Eutropius, Lib. 1. Florus (cap. 9.) in his nervous and elegant abridgement of the history of those times, makes use of the following remarkable expressions :—
 —Populus Romanus ad vindicandum libertatis ac pudicitiae decus, quodam quasi instinctu deorum concitatus, regem repente destituit, bona diripit, agrum Marti suo consecrat, imperium in eosdem libertatis suae vindices transfert, mutato tamen jure et nomine.—Tantumque libertatis novae gaudium incesserat, ut vix mutati status fidem caperent ; alterumque ex consulibus, tantum ob nomen et genus regium, facibus abrogatis, urbe dimitterent. Itaque substitutus Valerius Poplicola ex summo studio annixus est ad augendam liberi populi majestatem.—*

states were far inferior, in ordinary resources, to those which attempted to oppress them. The league of Cambray, formed for the destruction of the republic of Venice, was in the end almost as unsuccessful as the confederacy of Pilnitz. The histories of ancient Greece and modern Italy afford many instances of a similar nature.

I have hitherto confined myself to a consideration of the improbability of the success of our offensive operations, and I have admitted, for the sake of the argument, that our resources are inexhaustible, our allies faithful, and our people obedient. I have presumed that the enemy will be driven from all his conquests, and that our armies, in the next or some subsequent campaign, will be as victorious as when they conquered the chief fortresses of the northern frontier of France. With all these supposed advantages, that we shall fail in subduing that country is, I think, beyond a doubt; and, unless the principle of the war is changed, we may perhaps be obliged to defend ourselves upon our own ground.

One country, till this time deemed invincible, has already fallen in the contest. The United Provinces, which re-

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Et ne specie arcis offenderet eminentes ædes suas in plana submit.—*Liber jam hinc populus Romanus, prima adverses externos arma pro libertate corripuit; mox pro finibus; deinde pro sociis; tum gloria et imperio, lacesantibus assidue usque quaque finitimis.*—*Omnibus portis in hostem incurrerat: donec quasi contagione quadam per singulos itum est et proximis quibusque correptis, totam Italiam sub se redegerunt.*—*Rome, at the time of dethroning Tarquin, was less powerful, compared with the rest of Italy, than France is now, compared with the rest of Europe.*

sisted Spain for upwards of half a century, and all the power of Louis XIV. when all Europe trembled at his name, have been unable to sustain the fury of the enemy. The defeat may be owing to a diminution of the martial spirit of the Dutch, or to the gradual encroachment of their government, which left them nothing worth defending. That which renders France at this time so dangerous to the rest of Europe, is the enthusiasm of her people. It is not the wild phrensy of barbarians, (though such a phrensy has been equal to the conquest of the greatest part of the world,) but an enthusiasm perfectly disciplined and obedient. While a despotic power impels and restrains it at pleasure, every art contributes to regulate its fury.

The victories obtained by the French during the last campaign, are only to be paralleled in the history of those countries, which, impelled by the cravings of hunger, or the madness of fanaticism, have suddenly conquered all the nations around them. The enemy during that campaign captured one hundred and fourty-four towns and cities, and among them some of the strongest fortresses in Europe, won six decisive pitched battles, took two thousand eight hundred and three pieces of cannon, and obliged sixty thousand of the best troops in Europe to surrender as prisoners of war. With the additional strength and spirits acquired by these victories, and by the conquest of the United Provinces in the present year, it is not improbable that France will be able, in the course of one or two campaigns more, (if the war be unfortunately continued so long,) to force Spain, the Italian powers, and Austria, to make peace as Prussia has done; or, if they hold out, to subdue them completely, or reduce their power so far, as to leave her at liberty to attack this country, without apprehension of being disturbed or diverted.

In this situation she might spare from her armed myriads three hundred thousand men for the invasion of these islands.

To prevent expeditions of this nature, our chief reliance is upon our navy; and it is certainly our best defence; but it is far from being certain that we shall always maintain our present superiority by sea. The French are said to be making immense naval preparations: The conquest of Holland puts in their power a number of ships of war, a quantity of naval stores, and what is of more consequence, thirty thousand excellent seamen. It is not easy to calculate the advantages that France may derive from this assistance. Holland was once able to dispute the sovereignty of the sea with England and France united. Since that time, however, she has been enfeebled by age, luxury, and servitude, but her seamen are still numerous and excellent. This class of men, whose employment inures them to hardships and danger, are not liable to the effeminacy that grows up along with the wealth of a commercial state.

If an attempt is made upon this island before Spain is subdued, we have not much assistance to expect from her navy. She will be employed in opposing the French by land. But if she is conquered before we are invaded, the activity of the enemy will not suffer her fleet to remain idle.

To cover an invasion it is not necessary that the enemy should have a great naval superiority. Their object might be accomplished, if their fleet were strong enough to keep ours engaged until they disabled it, or until their troops were landed. Ireland might be invaded from Port L'Orient, and Scotland from Holland, with certain winds that would not permit our fleet in Plymouth or Portsmouth to disturb

the invaders. Their usual audacity might make them confident of success, and careless of the means of retreat.

The courage and loyalty of the British empire would, I am confident, defeat any attempt of this kind. It would subject us nevertheless to many calamities.

I do not urge this consideration to make us distrust our own strength or anticipate improbable evil, but that we should be prepared for every possible event. In times of public difficulty, nothing is so pernicious as flattering misrepresentation; and the worst enemy of this island could not do it a greater injury than to persuade its inhabitants that it cannot be invaded. That the invaders would be speedily destroyed or captured, provided all due preparations are made for their reception, I consider certain; but it is as certain, that their attempt would be attended with enormous mischief. All commerce would cease. The high fever of the public mind would give fresh irritation to political parties. Each would load its adversaries with invective, and accuse them of being the authors of the public calamity; and their disputes, as in other countries, might lead to massacres and insurrection. This picture may appear too highly coloured: But let it be recollected, that it is not more horrible than that which France exhibited when invaded by the allies. It may be asked, cannot we too overcome all difficulties, and triumph over every danger? We can, we ought, and I am persuaded we should. But is not the probability, that the continuance of the war may bring upon us so much misery, an irrefragable argument for immediate peace?

Many who admit that peace with the French government is a desirable object, are of opinion that it cannot

be obtained with honour, as they think there cannot be found among the enemy fit persons to treat with.

Few will deny that the government of France have sufficient power to entitle them to negotiate. If this point be doubted, the king of Spain, the king of Sardinia, the king of Prussia, the emperor of Germany, and the stadtholder, can give testimony in their favour. The exertions of authority displayed by them have astonished the most absolute despots. But that government which can command such efforts of their subjects, can, by a moderate exertion of authority, cause a cessation of effort. They who have power to maintain hostility, which is a state of action and danger, can easily maintain peace, which is a state of comparative inactivity and repose.

The sacrifices and exertions of the French people to support the war, must render them desirous of peace. The convention depend upon their will for their own power and safety, and it is not to be presumed that they would continue hostilities if a fair opportunity offered for restoring peace. With what pretence could that convention refuse to make peace with this country, when their principal accusation against twenty-two of their own colleagues, whom they put to death, was for declaring war against us? They may also have strong personal motives for wishing for a general peace. They have already, no doubt, (they at least who are in the reigning committees,) appropriated a portion of the public wealth to their own use, and they know by experience that as long as the war lasts the public mind will be subject to violent agitations, some of which may deprive them of their wealth and their lives. Peace would produce a calm that might give them a better chance of security, and enable them to retire unnoticed.

They have been accused of entertaining a rancorous and inveterate animosity against the people of England. The design imputed to them of subverting our constitution, and establishing their own republican system in its stead, proved rather their folly than their enmity : for they who desire to bestow upon us what they consider the greatest of all blessings, and for the preservation of which they sacrifice every thing that mankind deem valuable, ought not to excite in our breasts any violent indignation on account of the meditated bounty. It is true, that the tone of the convention has not been always favourable to us. They have, on some occasions, chiefly when they have been exasperated by losses and defeat, uttered execrations against the whole country ; but since the overthrow of Robespierre they have resumed the language of moderation. The cruel decree for refusing quarter to English soldiers has been unanimously repealed, and several of our countrymen have been liberated from confinement. We ought to avail ourselves of these symptoms of returning friendship, for it would be highly dangerous to infer that the French will always be pacifically inclined, and that we may continue hostilities against them for one or more campaigns, without any other loss than the blood, treasure, and happiness wasted in the mean time. A certain degree of success may incline an enemy to peace, but if the success be so great that his adversary is unable to oppose him, he will listen to nothing short of unconditional submission. When the French took Maestricht the stadtholder thought that as they were in possession of a part of his dominions, the time was unfit for negotiation. General Pichegru was of the same opinion when he had taken Nineguen, Gorgum and Utrecht ; he would not even deign to admit of capitulation. There is a pride and insolence in human nature that indispose men from accepting by treaty what

they can command by conquest, and allowing as a right what they can grant, with the reputation of generosity, as a favour.

Although the hardships of the war may have made France desirous of peace at this time, they may not always have the same effect. When the sufferings of men rise to a certain height, they feel a savage gratification in submitting to any calamities to gratify their revenge.

It will be highly dangerous to the peace of Europe if the war continues long enough to confirm in military passions and habits the myriads who compose the armies of France. The enthusiasm that urges them, the applauses they receive, and the hope of eminence and wealth, will give them a distaste to all useful civil occupations. Victories and conquests will inflame their military phrensy. If we continue the war until all the commercial capitals of France are broken, the military profession will be the only road to opulence, honour, or popularity in that country. Agriculture is considered there as an humble pursuit; besides, the soil requires so little labour, that a small portion of the inhabitants are sufficient for its cultivation. If these causes should make the military character so far predominate in France, that war should be pursued by the majority of her citizens as a profession or amusement, I fear that most of the nations of Europe would at last be obliged to yield to her prowess.

The allied armies, it may be said, will also acquire those fixed and fervid military passions. Admitting the fact, (which from various causes may be greatly doubted,) it brings little consolation; for the French would maintain, *ceteris paribus*, their present superiority.

How long the war must be continued before France grows into a decided military republic, having no passion but war, no ambition but for conquest, it is not possible to calculate. Every day of hostilities, every merchant ship that we take from her, every town that we destroy, every source of her commerce that we may dry up, will serve to accelerate that terrible event.

Among the other reasons assigned for continuing the war, his majesty's ministers object to acknowledge the French republic, as the convention require. To make this recognition, it is said, would be to admit the unlawfulness of every government in Europe, and to sign the deposition even of our own king, and the annihilation of our parliament. As applied to England, this objection is not just, whatever it may be in regard to some other countries. Our government has received from the revolution of 1688, a popular sanction; it still emanates in some measure from the people, and is modified and controuled, if not directed by persons whom they appoint. I cannot therefore see how the fullest admission of the rights of any other people would disclaim the principles of our own constitution.

But if the title which the French republic assumes were in the highest degree ridiculous, and even inconsistent with the rights of other states, we ought not to quarrel about it, if the precedents of former times have any authority. With what propriety can his majesty refuse to acknowledge the new title of France, on the ground that it impeaches his own right to govern these kingdoms, when his majesty assumes a title which destroys, not by implication, but directly, the right of any one but himself to govern France?

Another objection to treat for peace at this time is, that we could not, considering the events of the last campaign, expect favourable terms. This point is not certain; for, until we make the experiment by negotiation, we cannot tell what terms the enemy would offer. Whatever they might be, the present posture of affairs does not promise that we shall obtain better by continuing the war. It is not indeed likely, that France will abandon all the conquests she has won. The fair and obvious criterion of adjusting terms of peace is the relative strength of the belligerent parties at the time of negotiation, and it must be thence considered what would be the probable consequences of continuing hostilities.

But it is said that a treaty which would leave France in possession of Holland and Flanders would be the death warrant of England. Let us examine this assertion.

The time is not remote since we contended against Holland, France, Spain and another power possessing more energy and resources than Portugal and the Italian states; and yet the existence of the nation was not in danger. All these countries made use only of their ordinary resources; and if the combination had been aided by as many more countries of equal power (in the same circumstances) we should have defended ourselves successfully against them all.

The enthusiasm that now animates France and renders her so terrible must soon subside, unless constantly supported by some violent impulse. If peace were established, no impulse capable of sustaining such an enthusiasm would remain. Commerce, manufactures, and the elegant arts would be cultivated, and France would soon lose her

present furious spirit, and gradually become a regular and flourishing commonwealth. She might at all times, undoubtedly, display the military vigour that belongs to free states ; but she would be infinitely less formidable than at present. It is not likely that she would ever have another cause of war capable of inspiring so much enthusiasm as that which she now maintains. In no other cause would any people submit to the violent exertions of authority which the French government have sometimes made. We should therefore have nothing to apprehend, from a peace which would leave the French in possession of their principal conquests. But if the war continues, its original cause will keep up the enthusiasm which puts almost every thing in danger.

What has not Europe to fear when the immense mass of resources now possessed by France is impelled by that terrible energy, which when exerted upon resources comparatively small, was sufficient to defeat the assaults of all the great military powers ?

Mr. Pitt, speaking of the consequences of a fresh rupture with France, which he asserts would follow close upon the heels of a peace negotiated at this time, predicts what, if I mistake not, is diametrically the reverse of what would actually happen. He addressed the House of Commons in these words : “ You would have put an end to the machine which is with so much difficulty set in motion, and which can scarcely at the end of two years be raised to the pitch necessary to try the national strength ; a pitch to which it would be almost impossible to raise it again in the same space. On the other hand, the enemy would find it as impossible to disband their troops, as, with respect to your forces, you would find it necessary. They would again be

prepared to start with the same gigantic resources, deriving fresh confidence from the disposition you had shown to peace, and new vigour from the interval which had been afforded to hostilities.”

I conceive that France would be precisely in the situation which Mr. Pitt foretels of England. She would find it impossible to raise her national strength, in the space of two years, to its present greatness. Her resources have proceeded from extraordinary causes, have been exacted with extraordinary rigor, and applied with extraordinary energy. Can it be supposed that the government of France have power to inflame the whole nation with enthusiasm at pleasure ; or to put in requisition all the men capable of bearing arms, and seize three-fourths of all the landed property ? These are the resources which have enabled France to perform such wonders. On the other hand, England has made use of none but regular resources such as the ordinary authority of government is sufficient to command. These the war has undoubtedly impoverished, but the interval of a few years of peace would restore them, and we should be prepared to start with a great regular force against a wearied and impoverished enemy.

Nor would they find it impossible to disband their troops : If they have power to make peace, and restrain their armies from committing hostilities, they must have the power to disband them. Will not the same authority which it was said dragged them from their families be sufficient to bring them back again, and restore them to tranquillity and peace ? The enemy would find it impossible not to disband their troops, because they could not pay them without levying such enormous contributions as no free people would in such a case endure.

With regard to the disposition of the captured colonies of France, I doubt whether it would be wise to retain those whose advantages are purely commercial. They might be the cause of a future war, the more dangerous, as it would appear to have some connection with the present.

They who dread the power of the enemy, ought not to wish for the destruction of their commerce. France, possessed of flourishing colonies, an extensive commerce, would be vulnerable in every part of the world, and therefore cautious of putting her wealth in danger by unnecessary wars ; but without colonies or commerce, she could at all times disturb the world with impunity. Without commerce, and its train of luxuries, the national character of the French will become stern and ferocious ; there will be nothing left of sufficient influence to soften their manners, and counteract their dangerous military spirit. Commerce, it is said, is a nursery of seamen ; but privateers and men of war, when in service, supply a much greater number. Algiers, without commerce, has seamen enough to annoy any nation in the world. Commerce and manufactures employ a multitude of persons more advantageously than war : Commercial and manufacturing states, cannot, therefore, without exertions of tyranny, rarely to be attempted, furnish such immense armies as other states of equal population. States of the former kind will draw a great part of their military resources from their commerce, and will therefore endeavour to extend it. But the more extensive it is, it requires the greater protection in war, and thus a great part of the public force is diverted from offensive operations.

In commercial countries there is always a powerful interest, both in property and numbers, for preserving peace ;

and though this interest has been frequently, and sometimes justly disregarded, it will always have great weight where the government is popular.

The truth of these positions has been repeatedly proved. When Holland made the powers of Europe and India tremble, her commerce was less considerable than at subsequent periods, when her political influence was despised. Denmark now flourishes in agriculture and commerce, and contains as many inhabitants as it did nine centuries ago ; yet it is classed among the inferior states ; but at that time, when it possessed no commerce, and was only a nursery of warriors, it was the scourge of Europe. To destroy the commerce of France, is to force upon France the character of Algiers, or to furnish Algiers with the resources of France ; it is to give justness to the comparison which our enemies, in their pride and audacity, are so fond of making between themselves and the Romans, and between England and Carthage.

It is asserted, that a peace made with the present government of France would not be permanent ; that we could not expect from such a peace any cordial intercourse, any useful commerce, any desirable friendship ; that it would be a peace with an enraged enemy, in which there could exist no confidence on either side, and that it would necessarily give rise to a state of jealousy, suspicion, and constant armament.

This argument, admitting the statement on which it is founded to be just, may be urged by the enemy as well as ourselves, and therefore it would authorise eternal hostility between us. But it is not easy to conceive that any argument can be morally good which would justify two na-

tions in contending till one or both of them should be destroyed.

The French would probably respect a treaty of peace, because it would be their interest to avoid war. It will be a long time before they recover what they have lost in this contention; and the sacrifices they have made, will, when they think coolly and dispassionately, make them very willing to engage in further struggles.

The frequent changes in the administration of the government of France, should not prevent negotiation. Such changes take place in monarchical governments, where the prince or the minister with whom we treat one day, may die, or be dismissed the next. During the first years of the present reign, the changes of his majesty's ministers were almost as frequent as those in France since the revolution, and the different administrations favoured different systems of foreign politics.

The party that now govern the French republic, have continued in power more than nine months:—How much longer must they triumph, before they can be denominated a stable government? Are we to inflict upon ourselves the miseries of war, until their characters become pure and their authority permanent? If this be the resolution, the public misery may be eternal.

It seems extraordinary that England should fear the establishment of a government, which other countries of inferior power behold with indifference. It would be more wise and honourable to acknowledge the French government, just as they are at this time, than to be forced to make the recognition hereafter by disasters and defeat.

If the present war is distinguished by some unusual calamities, an immediate peace would be attended with many peculiar advantages. In commerce we should be left without a rival, since most of the great commercial capitals of France and Holland, our only former competitors, have been broken by the war. It will require great exertions of industry, and many years of peace, before these capitals can be restored. In the United States of America, the price of labour is so high, and the agricultural system necessarily so predominant, that they cannot for half a century be formidable rivals to us in manufactures, or in maritime trade. An immediate peace would give us the carrying trade of all Europe. France alone, if the commercial treaty were revived, would be an ample market for all our staple commodities. The republic of America, whose prosperity in a commercial view, is the prosperity of Great-Britain, is now our richest market, and we could supply it more largely and beneficially, when freight and insurance were reduced in price. If the convulsions of the war have impoverished our customers in many parts of the world, the loss would be compensated by our being unrivalled in their markets. To possess the whole of a certain portion of commerce, may be more advantageous than to share with others a much greater one. But if we continue the war for a long time, our trading capitals may be broken or dispersed, like those of Holland, Flanders, and France. When taxes become extraordinarily burthensome, our merchants and manufacturers will endeavour to remove to some country, where they may enjoy their wealth in more security, and employ it to greater advantage. If the war should continue till it produces these effects, it may not then be in the power of peace to restore our commerce. Capital is seldom withdrawn from one country to another, unless great advantages are promised

by the removal ; and it will require a stronger impulse to bring it back, than that which removed it originally. When a splendid commerce once departs from a nation, it seldom rises to its former opulence and grandeur ; as the fortunes of Pavia, Venice, Genoa and Antwerp, fully demonstrate. Natural advantages are not so much the source and spring of commerce, as great pecuniary capitals, which have always an inclination to withdraw from countries afflicted by war and internal disturbances, and to seek refuge in the bosom of peace and liberty.

Peace would calm those political dissensions, which have so dreadfully disturbed society.

The question of the establishment of the French republic has been their chief cause, and when this question was forever closed, they would yield to those moderate disputes respecting principles and parties on which there never can be an uniformity of opinion, as long as men have different understandings, interests, prejudices, and passions.

The greatest evils of the French revolution have been the private feuds and the intolerant spirit it has engendered. When these predominate, friendship is forgotten, honour violated ; and perfidy, treachery, and even murder are committed, not only with impunity, but with applause, if the victim be politically obnoxious ; the public sense of right becomes vitiated ; the milder virtues, which are the most estimable and the most useful, are disregarded, and they will cease to be practised as they cease to be admired.

One of Mr. Pitt's objections to a peace, by which the French republic should be acknowledged, is, that it would

introduce jacobinism amongst us, and overturn our constitution. But how are these events connected? What have we to dread from the example of the French? Nothing, surely, from what has happened. All the events of the French revolution tend to confirm the admirers of our constitution in their political opinions.

If the object of continuing the war, be to prevent the insinuation of jacobin principles into this country, how much more effectual would peace be to that end; how much better an answer to them the actual comforts and improving condition of the people, than even the most brilliant successes abroad, which might lessen those comforts and deteriorate that condition.

It is also said that if peace is made before a counter-revolution is effected in France, the Christian religion is lost. No Christian can be of this opinion; for upon the authority on which the religion itself is founded, he is told that Providence is pledged for its eternal preservation.

But what additional force, what new arguments have the enemies of christianity acquired by the French revolution? Will the declamations of Robespierre, or the disgusting blasphemy of Dupont, have more effect in shaking the credit of revelation, than the logic of Hume, the satire of Voltaire, or the eloquence of Rousseau?

Can the jacobin infidels boast such purity of morals as to compensate for their deficiency of argument? Will the example of their conduct convert those on whom their declamations have no effect? Is there any thing so fascinating in their delations, perfidies, massacres and proscriptions, as to make men renounce the religion to which they

have hitherto zealously adhered, in spite of all the industry and ability that have assailed it ?

Every one in the kingdom would be immediately and largely benefited by peace. It would immediately increase the value of every species of property, and the price of every kind of labour.

Indeed, as to the propriety of making peace (if a secure and honourable one were by any means attainable) at this time, there cannot be two opinions among unbiassed men. The enemy declare they are desirous of peace ; the neutrality of Prussia takes away all hope of recovering Holland ; Austria, the Italian powers and Spain are on the eve of withdrawing from the contest, and leaving us to sustain unaided, the whole force and fury of France ; Ireland is convulsed ; our colonies in the West-Indies are distracted by the attacks of the enemy and by insurrections ; even Great-Britain is threatened by famine ; tumults of the most dangerous kind have already happened in different parts of the country in consequence of the high price of provisions. Are these the circumstances in which it is prudent for England to contend *ad internecionem*, with such a power as the republic of France ?



It is high time for the people to awake from their lethargy, and endeavour by an immediate exertion of their constitutional rights to save their country from impending ruin. Their opinion expressed in remonstrances to their representatives in parliament, and in humble petitions to the throne, would be respected, and would in the end be effectual.

Perhaps there is no man in the country who, from his talents, experience, eloquence, popularity and fortitude, might be more advantageously employed in the administration of her affairs, than Mr Fox. His well known frank, open and determined character, and the energy belonging to his liberal principles of government, would incline (or would soon compel) the enemy to offer just and honourable terms of peace.

FINIS.



A LETTER
TO
THE DUKE OF PORTLAND,
BEING
AN ANSWER TO THE TWO LETTERS
OF THE
RIGHT HONORABLE EDMUND BURKE,
AGAINST
TREATING FOR PEACE
WITH THE
FRENCH REPUBLIC.


By James Workman, Esq.


MY LORD,

THOSE who are the least disposed to admit the justice of an author's prejudice in favour of the subject he has chosen, will not be so hardy as to deny the importance of that which I am now about to discuss, when its difficulties occupy the talents of the most able, and its consequences fill the minds of the most courageous with anxiety. It was in the auspicious moment when a negotiation was undertaken, to extinguish the flames of war which have so long and so violently raged throughout the world, that a writer whose ability is hardly surpassed by his zeal, endeavours to light them up with fiercer fury than they have yet displayed, and to feed them with such fuel that no one now living could expect to see the end of their devouring progress.

That his arguments against negotiation for peace with France, maintained with all his wonted strength of reasoning, illustrated from the richest stores of his almost unbounded knowledge, and adorned with all the splendour of his unfaded imagination, may make a deep impression upon the country, is reasonably to be apprehended : to prevent or to remove such a misfortune is the object of this letter, which does not, in my opinion, require to be prefaced with much apology. The greatness of the danger in which our country might be placed, affords an excuse for the humblest endeavour to avert it ; and the possibility of suggesting a hint which may be useful in the conduct of any of her important affairs, is a full justification of him who publishes his observations on so high a national concern as that which I have undertaken to investigate.

The substance of Mr. Burke's Letters is nearly contained in the following propositions :

1st. That his majesty's ministers should not have recognised the government of the French republic, because the true and lawful French nation is not now represented by it, nor to be found within the limits of geographical France, but in the foreign countries in which her lawful representatives are exiled ;

2d. That we should not recognise that republic, because she is of a wicked, infamous and abominable character.

3d. That if we make peace with her, our religion, property, constitution, and laws, and the whole system of government, usages, morals and manners, now established in Europe, will be speedily destroyed.

4th. That we and all the nations of Europe ought therefore, to continue the war until the republican government

of France and the whole system on which it depends, be subverted ; that we should oppose to it for this purpose a force, bearing some analogy and resemblance to the force and spirit which that system exerts, and that our resources are still great and abundant.

I shall examine those propositions separately and in the order in which I have arranged them.

The distinction made by Mr. Burke between the supposed moral nation of France, consisting of her exiled prince and her expelled nobility, clergy and gentry, and that supposed unlawful French nation which now exists within the territories of France, and is represented by the present French government, may afford one subject of dispute on the right meaning of words, and another on the conduct which the governments of Europe should observe with respect to those rival nations. Which of the two ought to be called with propriety the French nation, is a question rather verbal than political, and therefore improper to be examined in a work professing only political discussion ; but which of the two his majesty should recognise and negotiate with for the advantage of his subjects, is a question on which Mr. Burke's opinion seems refutable with as much certainty as can be expected in any political demonstration.

When two governments negotiate a treaty, they in fact do no more than make a law to bind their respective subjects. With whom then, as the representative of the French people, is his majesty, for the benefit of his subjects, to negotiate in order to ascertain boundaries, to determine disputed rights, to regulate commercial intercourse, but with the persons who have the power to make

laws for the French people, and to compel them to the observance of the stipulated restrictions and regulations ?

To negotiate with persons who have no power to legislate, would be absurd and even ridiculous ; and to recognise as a national authority any persons who have no power to negotiate, would be a mere ceremony, which, whatever pleasure it might afford to the corresponding parties, could be of no advantage to the subjects of him who made the recognition.

Mr. Burke may, therefore, use the words French nation in whatever sense his ingenuity or his affections may suggest. But the French nation with which the governments of Europe have any business to negotiate, is that people which now inhabits geographical France. With the members of the former and now exiled corporate body of France, his majesty's subjects have no intercourse or connexion that requires any other regulations than such as may be obtained by negotiating with the governments of the countries in which the unhappy exiles reside.

To illustrate his opinion, Mr. Burke supposes a dreadful calamity. He supposes all the royal family murdered, and all the persons of worth, wisdom and respectability that England contains imprisoned, plundered, exiled or assassinated by a faction of robbers. Is it, he demands, to this faction he is to look for his country ? Would not the exiles alone be his government and his fellow citizens ? Would not their places of refuge be his temporary country ? Would not all his duties and all his affections be there and there only ? What should he think if the potentates of Europe, being geographers instead of kings, recognised this geometrical measurement as the honourable member of Europe called England ?

This case forms no exception to the principle I have ventured to lay down. Without impugning it, in the least, Mr. Burke's questions may be satisfactorily answered.

With his usual dexterity in the management of arguments and analogies he presumes that the duties of a British citizen and a foreign prince, with regard to a British government, may be strictly and exactly the same. But this cannot happen. A government, with regard to the citizen, is or ought to be a just and moral power. A government with regard to a foreign potentate is a physical power, which, acting within its proper range, is independent of him by the laws of public right, and which it is his duty to regard chiefly as it may affect the conditions of his subjects. In Mr. Burke's supposed case the affections and duties of every good citizen would certainly be with the exiles and the rest of his oppressed countrymen, and he should make every possible effort to deliver them from tyranny and to punish their tyrants. But the good citizen and the wise sovereign would have different duties to observe. The one is bound to consider in the first place the rights and the happiness of his commonwealth; the other the welfare of his kingdom. The one acts entirely for the benefit of his countrymen, the other chiefly for the safety and prosperity of his subjects. The one should neither obey nor recognise any public authority, (unless obliged by necessity,) except the rightful one; but should endeavour by all possible means to subvert any government founded on the violation of his country's rights; the other should recognise every government whatever, and should, if possible, avoid going to war with any power, however vile and infamous, that could destroy the happiness of his people.

I do not deny that this potentate would have a right to deliver us from the tyranny of the robbers. God forbid I should maintain such a selfish and ungenerous doctrine, as that human beings can ever be bound by their duty to behold tamely the wrongs of any of their fellow creatures, or that any people have not a full right to rescue any other from a galling bondage. Our affections should not be wholly absorbed by our country ; they ought to be extended to the whole human race.

But this right of one government to interfere by force on behalf of the oppressed subjects of another, can only be acknowledged with severe restrictions, and must not be exercised but with the greatest prudence. It would otherwise occasion endless wars, and defeat its own generous purposes. The oppression that may be thus lawfully removed must be obvious, flagrant and galling. We have no right to redress any grievances in a foreign country that are not severely felt and loudly complained of ; for no right can exist that would allow any one nation in the world to disturb at its pleasure the peace of all the others. He who would achieve the emancipation of an enslaved people should be morally certain that he is able to perform what he wishes to undertake : If he fails in the attempt, he may not only ruin his own subjects, but by enraging the tyrants, he will certainly make the condition of their victims more deplorable. He should also be well assured, that the changes which he intends to introduce will be not only good in themselves, but agreeable to the objects of his generous interference. Indeed, his right extends no further than to deliver them from their oppressors. He may recommend measures ; but if he enforces any, against the inclination of the country for which they are designed, he vitiates all his proceedings from the beginning. His con-

duct shows that he was not actuated by benevolence, but ambition. He is to be regarded not as a deliverer, but as a conqueror. The transition from one of these characters to the other, is so easy and natural, and has happened so very often, that a wise citizen will endure much before he seeks deliverance from a foreign power. Had your grace lived in England during the tyranny of the fanatics, I think you would not have called upon the czar of Moscovy for redress.

Applying these principles to the solution of Mr. Burke's questions ; any potentate of Europe would have a full right to restore to us our liberties by force, if he were called upon by the voice or the feelings of the country. But he would not be morally bound to interfere thus in our concerns, if it were probable or even possible, that his interference might ruin his kingdom. He would owe a duty indeed to our enslaved countrymen, but a much higher duty to his own subjects. .

Suppose the situation of England was what Mr. Burke has imagined, and that your grace was at the same time a minister, directing the councils of any foreign power ; of the kingdom of Portugal for instance, or the republic of the United States of America.—Would you refuse to recognise the English usurpers, if you knew that the refusal would instigate them to cut up your commerce ; to plunder your merchants ; to destroy your colonies ; and perhaps to send out a navy that might lay Lisbon or Philadelphia in ashes ? In these circumstances you certainly ought not to refuse. You would have no right to sport with the high charge entrusted to your keeping, nor to bring ruin on your country for any class of persons, however deserving and unfortunate.

But the question of war or peace is not implicated in this question of recognition. We ought to recognise and correspond with the government of a state which is our enemy, on the same principle of mutual advantage that would induce us to negotiate with that state, if it were our friend. Correspondence between governments may diminish the calamities of their subjects in war almost as much as it can augment their prosperity in peace. In the prosecution of hostilities, how detrimental would it be to the belligerent parties if conventions, which imply recognition, and which cannot take place without correspondence, were not entered into concerning the observance of capitulations, the exchange or ransom of prisoners, the care of the wounded, and the signals of defiance and submission? With whom, on the part of the warriors opposed to us, can we negotiate these conventions? With those only whom those warriors obey.

If, therefore, it were even right to continue the war with France for the subversion of her government, we should yet acknowledge as a nation, the people, however wicked or deluded, that we are fighting with, and recognise as the representative of that nation, the government, however infamous, which it obeys. Our recognition would not retard for one moment the attainment of our object, if it were attainable; and whether attainable or not, the recognition, without occasioning any evil, would be productive of many advantages to us, which we could not otherwise possess.

“Mere locality,” says Mr. Burke, “does not constitute a body politic. Had Cade and his gang got possession of London, they would not have been the lord mayor, aldermen, and common council.”—True; they would not have been the lord mayor, aldermen, and common council,

any more than the directory, the legislative councils, and the existing tribunals of France are the king, the states-general, and the ancient parliaments. But yet had Cade maintained possession of London, in spite of all the exertions of the government, and had destroyed or plundered all those who attempted to expel him, it would have been great folly in the citizens of Venice or Florence, whose affairs might require them to come to our metropolis, to have refused to call him lord Mortimer, or by any other title he might have thought proper to assume. By making this recognition they would have been able to prosecute their affairs without interruption; and by refusing it they might not only have deprived themselves of commercial advantages, but would have subjected themselves to the depredations of his lordship's gang; although their refusal to acknowledge his title could not have had the smallest tendency to mitigate the evil, or abridge the period of his usurpation.*

The second proposition deducible from Mr. Burke's letters, is, "That his majesty's ministers should not recog-

* *Second part of Henry VI. Scene VI.*

Enter JACK CADE.

CADE. *Now is Mortimer lord of this city.—And now henceforward it shall be treason for any that calls me other than lord Mortimer.*

Enter a Soldier, running.

SOLDIER. *Jack Cade! Jack Cade!*

CADE. *Knock him down there. (They kill him.)*

SMITH. *If this fellow be wise, he'll never call you Jack Cade any more; I think he hath a very fair warning.*

nise the French republic, because she is of a wicked, infamous, and abominable character.”

Admitting, for the argument, that she is of that character, the inference of Mr. Burke will not follow ; because his majesty, according to the practice of his predecessors, and of most of the potentates of Europe, has long recognised the government of what Mr. Burke calls the *republic* of Algiers ; a government as wicked and abominable as can well exist, and composed of as infamous materials as can enter into the composition of any public body whatever.

But Mr. Burke maintains that the analogical argument drawn from Algiers is not conclusive ; for, although he is willing to admit that it has a constitution similar to what he calls the present tumultuous military tyranny of France, and that the Algerine community resembles the community of France, yet he fears great danger from the recognition of the French republic, and little or none from the recognition of Algiers. Algiers, he observes, is not near us, not powerful, not infectious ; and as it is an old creation, we have good data to calculate the whole of the mischief to be apprehended from it.

To determine whether a government of an abominable character, should be recognised, we must be guided by considerations either of national honour or national interest. If the question relative to the recognition of the French republic, is upon the point of honour, the precedent of Algiers seems to be of sufficient authority. If it be a stain upon our national dignity, that we recognise and negotiate with infamous governments, the stain is of the same kind whatever power they may possess, and in whatever part of the world they may be situated. It can cer-

tainly be no extenuation of the disgrace that may be incurred by corresponding with infamy, that it resides at some hundred miles distance, or that it has preserved for a great length of time the consistency of its flagitious character.

Considering the recognition of Algiers only as a measure of prudence, the argument drawn from its analogy is irrefragable.

It is not the recognition, but the refusal to recognise a state that can be attended with danger. Why is it prudent for ministers to negotiate with the Algerine government? Because they obtain from it a forbearance of piracy. But if for this reason we recognise the robbers of Algiers, who can prosecute their depredations with but a few miserably armed vessels, and who, with their whole force could not conquer the weakest of our colonies; would it not be downright madness to refuse to recognise the robbers of France, (if indeed the French government merit that name) who can prosecute their depredations on our property with fifty ships of the line, and six times that number of stout frigates and privateers of their own, and with as many more ships of war which they have either forced or persuaded their friends to arm against us; who would probably capture a thousand of our merchantmen in the same time that the Algerine ruffians could take a score; who, with much short of their whole force, could conquer or destroy our most flourishing colonies, and who, in their audacity, do even meditate the conquest of the empire itself? Would it be prudent to avoid a wasp and encounter a tyger? To sooth the anger of a mischievous dwarf, and rouse the rage of a ferocious giant?

Viewing the present and the former state of the powers of Europe, do we find that any one of them has lost by re-

cognising, or gained by refusing to recognise the French republic? Not the late sovereign of Russia, certainly, for she might have possessed herself of Poland with the same facility, and perhaps with better grace and more consistency of character, had she maintained the most friendly correspondence with the robber and exterminator Robespierre. Has Denmark, or America, or Prussia, or Hanover lost any thing by recognising the French commonwealth? Has the late king of Sardinia, or the duke of Wurtemburgh, or any other potentate of Europe, gained any thing by refusing to negotiate with that state?

The wish of Mr. Burke that we should not acknowledge the present rulers of France, appears to proceed in part, from a most pure and noble motive. He supposes them to be guilty of every crime, turpitude, and oppression towards their subjects, whose deliverance from what he calls the vilest and severest tyranny that ever scourged the earth, with the punishment of their tyrants, are among the great objects which he hopes to accomplish by continuing the war. But from many events of universal notoriety, it must appear as ridiculous as impolitic to continue the war any longer in order to punish the government of France for oppressing her people. They have not only not solicited us to deliver them from any oppression, but they have themselves punished most severely all who have attempted to interfere in their concerns. Supposing then the tyranny of the present rulers of France to be as odious and oppressive as Mr. Burke's information induces him to believe, their subjects highly deserve whatever they may suffer, for having treated with such rude ingratitude all the armies which the allies have ever sent for their deliverance. Let us, therefore, no longer punish ourselves, nor even subject ourselves to the slightest inconvenience to emancipate them, and let no oppression that may be ex-

exercised on persons who are so willing to endure it, retard for one moment the re-establishment of the tranquillity of Europe.

In proving the propriety of recognising the most infamous governments, I have performed much more than my case required. Desirous of completely refuting Mr. Burke's arguments, I have hitherto admitted the principal facts on which he founds them. But I have admitted a great deal too much. The present government of France is far from being of the infamous character which Mr. Burke describes.

To have negotiated with such infernal monsters as Hebert, Marat, Chaumette, and Robespierre, might, in the opinion of many, have been unsafe and dishonorable. But this admitted, it would nevertheless have been unwise and even dishonorable to have refused to negotiate with the members of the directory; because it would be unjust to class these men, insolent and presumptuous as they are, with the execrable ruffians, whose sanguinary domination so long afflicted the world. Some, indeed, of her present rulers were of the number of those ruffians; but they have in some measure expiated their guilt. Tallien, for instance, was foremost among those who hurled Robespierre from his throne of terror, and established, what in comparison with his rule, is the reign of humanity and mercy. But whatever number of the old may have place in the composition of the new government, there is certainly a very great difference between its spirit and character, and the spirit and character of its predecessor. Do we now hear of any thing to remind us of those massacres which cannot be remembered without horror, except the punishment of the perpetrators? Do the present rulers of France main-

tain themselves by proscriptions, exiles, and confiscations without number ? Do they now carry fire and sword through La Vendee ? Have they not faithfully observed the conditions of their agreements with the brave inhabitants of that desolated territory ? Are they not entitled to a portion of our regard for restoring liberty to such of our countrymen as the perfidious and pusillanimous tyrant, without right or expediency, had consigned to his dungeons, for mitigating the captivity of those whose imprisonment was unavoidable from the fortune and the laws of war, and for delivering from death the myriads of their own nation, whose blood was soon to have diminished the fears, or gratified the vengeance of their oppressors ?

In almost every respect the chiefs of the new government are diametrically opposite to the jacobin* faction. They encourage with a zeal that the worst of their enemies must esteem laudable, the improvement of the arts and sciences ; not those only which administer to the art of war, but all which can either augment the mass of useful knowledge or afford delight. Their projected establishments for the education of youth, merit universal attention

* Throughout this work the word JACOBIN is used, and perhaps correctly, in the sense in which it is now, and has been for upwards of two years understood in the place where the term originated. I define jacobinism to be the system of politics adopted by the Jacobin Club of Paris, from the year 1793 to the time of its destruction, and acted upon in various places, by Le Bon, Freron, Collot d'Herbois, Carrier, Marat, and Robespierre. By jacobinism, I mean that system which drenched France with blood, and inundated it with tears ;

and imitation. Their manners, still more than their morals, are remote from jacobin usage. They have laid aside that barbarous grossness of language which was once esteemed an essential in the accomplishment of a republican. The squalid and sordid apparel heretofore displayed with such ludicrous and grotesque vanity is no longer in the mode of Paris. The ministers and senators of the French republic have long thought that there is no necessary connexion, and indeed nothing congenial, between dirt and patriotism ; between rags and liberty. Were your lordship now to visit Paris in a diplomatic capacity, you would hear of none but former atrocities ; you would not see one person brought to the guillotine (or as the exterminators facetiously expressed it, “ peeping through the little national window,”) for the promulgation of opinions ; you would be led into apartments as splendid as any in Burlington house, and you would be introduced to a gentleman

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proscribed probity, virtue, and true philosophy ; almost annihilated commerce, arts, and sciences ; corrupted moral principle in its source ; delegated the power of life and death to the most vile and ferocious of men ; erected 50,000 bastiles, and filled them with pretended conspirators ; massacred age on its bed of pain ; murdered infancy in the mother's womb ; violated chastity in the moment of death ; changed the Rhone and the Loire to rivers of blood ; Vauchuse to a fountain of tears ; Nantes to a sepulchre ; Paris, Arras, Bordeaux, and Strasbourg to slaughter houses ; and France to one vast theatre of pillage and murder. When, therefore, I speak of jacobinism, I cannot allude to any thing English. There is nothing in England even like it. Instead of 80,000 jacobins, I do not believe the country contains one.

wearing as handsome robes as your own, who would speak to you with politeness. Whatever might be the lofty and unreasonable demands of the directory, they would not be made in the style of the Pere Duchesne. You would be respected as the representative of a sovereign power, and you would find among the members of the French government, some men of splendid talents and extensive reputation, whose acquaintance it would not disgrace any person in Europe to cultivate.

Not one of the objections which have been urged against treating for peace with France during the despotism of the jacobin oligarchy, will apply in her present circumstances. The actual government of that country has given, during upwards of two years past, as good proof of its stability as ought to be required in any times, particularly in such times of change and uncertainty as these. It adheres steadily to one system ; and has assumed a respectable, although a haughty, character. It utters no gross invectives against any kings, or any forms of government ; it has abandoned the destructive design of imposing its own political system upon all other nations, and is as inveterately the enemy of jacobin principles as any cabinet in Europe.

Although the negotiations for peace are unfortunately broken off, the formal recognition of the French government may be attended with considerable advantage to us. We have not merely acknowledged it, as we might have done, although we at the same time prepared for its destruction ; we have recognised the system on which it is founded. We have given our solemn sanction to the French revolution ; and have, by that measure, renounced the in-

iquitous purpose of continuing the war, for the restoration of the monarchy, which that revolution overthrew. The French government being thus scarcely established, the tremendous enthusiasm which arose out of the attempts to subvert it, will be damped, if not destroyed. This main spring of the martial prosperity and glory of the French republic, derived all its strength from the dangers that threatened her existence, and cannot retain its pristine force after the formal recognition of her legitimacy, by all her enemies. She can now continue the war for no other objects than extension of territory and of commerce ; objects that a whole people can never be made to pursue with the same enthusiasm, which they would display in defence of their favorite government, and their national independence. This recognition may not only abate the enthusiasm of France, but rouse and animate the whole English nation. The same causes that occasioned in France those mighty exertions that have no parallel in the history of the world, would operate, I trust, in Great-Britain, with equal power. If it should ever appear that our enemies prosecute the war for the purpose of destroying our independence or of subverting any establishment that we wish to maintain, or imposing upon us any system or establishment that we abominate, I trust there would spring up amongst us a national enthusiasm, of such fervour and energy, as to justify the expectation, that our exertions would even surpass the hitherto unexampled exertions of the enemy.

If we followed the advice of Mr. Burke, never to acknowledge the French republic, we could never prosecute the war against her with enthusiasm, nor would her zeal against us ever be diminished. The spirit of the people of England would be deadened by the opinion, that their blood and treasure were wasted to gratify the obsti-

nate pride of his majesty's ministers ; and the spirit of the people of France would be buoyed up to its highest pitch by the consideration which their rulers might fairly, and no doubt would continually press, that our refusal to acknowledge their government was indisputable evidence of a project for its subversion.

The mode in which we have recognised the French republic appears to Mr. Burke imprudent, and not justified by any example. " I doubt," says he, " upon mere temporary considerations of prudence whether it (the formal recognition of that state) was perfectly advisable. It is not within the rules of dexterous conduct to make an acknowledgment of a contested title in your enemy, before you are morally certain that your recognition will secure his friendship. Otherwise it is a measure worse than thrown away. It adds infinitely to the strength and consequently to the demands of the adverse party. He has gained a fundamental point without an equivalent."

In the unconditional recognition of the French republic, we were perfectly authorised by the example of the American war. The United States of America were recognised in the first instance and without stipulation, condition, or equivalent by a minister whom Mr. Burke then supported.* But the unconditional acknowledgment now in ques-

* *The following passage is extracted from a speech of Mr. Burke's, as it appeared in Debrett's Reports of one of the debates of the house of commons on our acknowledgment of the United States of America.*

tion, is certainly a measure of much clearer propriety. In recognising our late colonies as sovereign states, his majesty relinquished an undoubted claim of his own, and attributed to them a title to sovereign power, which, according to the established law of nations, this recognition was necessary to render complete. Previous to it, the formal acknowledgment of the American states by any other power would have amounted to a declaration of hostilities against his majesty. In recognising the French republic his majesty has relinquished no claim of his own, nor has he attributed to that state any title, rank, or authority which would not have been complete and acknowledged by other powers without his recognition. How has it added to the strength or to the demands of the enemy? It has

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“ *There were three opinions in this country on the great and*
 “ *important question of American independence ; they might*
 “ *each of them appear reasonable and upright ; he would not*
 “ *pretend to decide upon either of them. The first of the*
 “ *three was that independence to America under any conside-*
 “ *rations or conditions was a real misfortune to this nation.*
 “ *This idea might prevail with some men of every description*
 “ *in that house ; and he was sorry that it consisted of those of*
 “ *all descriptions. He should not pretend to refute it. The next*
 “ *was, that independence ought not to be granted to America*
 “ *without an equivalent of some nature or other as the price*
 “ *of peace, or for something beneficial to this country. The*
 “ *last was, that it should be given up without any considera-*
 “ *tion of any sort, that the recognition of it by this country*
 “ *should be free and unlimited. Amongst the last class was*
 “ *himself and his friend.*”

Vide Debrett's Parl. Reg. Vol. IX. page 79, 80.

indeed given him an assurance that we cease to war against his national rights and his liberty ; but it has given nothing more. It has added, not to his, but to our strength. It will place us in any future negotiation on higher, because on juster grounds. We had no more right to demand from the enemy an equivalent for our late recognition than he had to demand of the absolute princes, our allies, a compensation for recognising their rights when he repealed his decrees of fraternity. Are we sure the directory would not have smiled in derision if they had been seriously asked by our ambassador how much they would give his majesty as an equivalent for his recognition ? As an equivalent, they might have said, for acknowledging the existence of a state that had made almost all her enemies tremble for their own.

Between independent nations, the only sort of equivalent that can be reasonably expected for the acknowledgment of one title is, the acknowledgment of some other. If two states quarrel, and each refuses to recognise the title which the other has assumed, it might not be consistent with the dignity of either of them to yield this point to the adversary, without being first assured of receiving from him a similar concession. If the rulers of France had refused to acknowledge the king of Great-Britain, ministers would have been blameable in recognising them as a lawful government without demanding at the same time the formal acknowledgment of his majesty's authority. But as they have never denied it, there was nothing that we could have justly demanded from them in return.

The next proposition to be examined is, “ that if we make peace with the French republic ; our religion, pro-

perty, constitution, and laws, and the whole system of government, usages, morals and manners now established in Europe will be speedily destroyed."

It is extraordinary that the apprehensions which were at one time entertained from the revolutionary principle, should still remain in any man's mind undiminished, since they have not been justified by a single event. Not one revolution has been effected in the world, by the mere force or fascination of French principles. The insurrection in Poland had little connexion with them, and it is notorious that the change of government which has taken place in the Netherlands, the United Provinces, Savoy, and in some parts of Germany and Italy, was effected chiefly, if not altogether, by the armies of France. Even the revolution in Geneva, is much less imputable to French doctrines than to French power and French gold. All these were found insufficient, during the jacobin reign, to produce a subversion of established authority in the feeble republics of Genoa and Venice. But surely the danger that was not then fatal to Venice or Genoa, can never be formidable to the British empire.

Mr. Burke is apprehensive for the safety of the christian religion, because France, as he asserts, is governed by fanatical atheists, who have made "atheism by establishment," one of the bases of the French republic.

Atheism cannot justly be said to be established by any state, unless it is professed by its representative in some solemn declaration. To neglect acknowledging the existence of God, is not to *establish* atheism. The word establishment implies some positive regulation. Far from having made atheism one of their establishments, the legisla-

tors of the French republic have recognised the existence and providence of the Supreme Being, in their most solemn act. The very first paragraph of the first and most important chapter of their constitution, the declaration of rights and duties, is dedicated to this acknowledgment. It is made in the following words : “ The French people proclaim, in the *presence* of the SUPREME BEING, the following declaration of the rights and duties of man and of a citizen.” In addition to this solemn recognition of the fundamental principle of religion, the same declaration asserts, that “ no man is a good man if he is not frankly and *religiously* an observer of the laws :” and what is still more decisive, the 354th article of the constitution provides that “ no man can be hindered from *exercising the form of worship* that he has chosen, whilst he conforms to the laws.” Thus the French legislators have established atheism, by making a solemn acknowledgment of the existence and providence of the deity, the preliminary to their constitutional law ; and by securing in the most irrevocable provision they had the power to make, the right of every man to adore that Being, in whatever mode, and with whatever ceremonies his conscience may approve. If atheism is established in the French republic it is also established in the commonwealth of America. No particular form of worship is maintained in either of those states at the public expense.

Were atheism actually made one of the bases of the French republic, we should justly regard her with horror, and account the ignorance, ingratitude and mental abasement of her legislators as degrading to human nature. Their conduct would be too detestable to be contagious. Of all vicious opinions, atheism contains the least infection. It holds out no temptations : it presents no object

for hope, the universal passion : it is a melancholy subterfuge from fear. There are few who would not fly for refuge into the arms of the vilest and grossest superstition rather than encounter the terrors of annihilation by embracing the atheist's creed.

It is unfortunate for the credit of Mr. Burke that he accuses the revolutionists of crimes which are incompatible with each other. He not only refuses to allow that they possess any virtue, but he will not admit that they are free from any vice. Those whom in one place he reproaches with *atheism*, with denying the existence of God, he accuses in another of being "*rebels to God*," of perfectly abhorring the author of their being, of hating him with all their heart, with all their mind, with all their soul, with all their strength ; of having a delight, as they are not able to revenge themselves on God, in vicariously defacing, degrading, torturing and tearing in pieces his image in man. Such accusations are not only unworthy of the enlightened philosopher Edmund Burke, but they would be too extravagant and disgusting to be made by John Bunyan or Rowland Hill.

It cannot be pleasing to the sincere Christian to hear how Mr. Burke explains his apprehensions for the fate of christianity. "Example," says he, "is the school of mankind, and they will learn at no other. This war is a war against that example. It is not a war for Louis XVIII. or even for the property, virtue, fidelity of France : It is a war for George III. for Francis II. and for all the dignity, property, honour, virtue and religion of England, of Germany and of all nations." Is then, the Christian religion like all the superstitions that now exist among the barbarous states, and those that were prevalent in the an-

cient world, learnt only from example ; believed only because others believe, and publicly embraced only because it is established ? Is it so feeble, and so entirely dependant upon human circumstances, that it can be overthrown by any example whatever ? If it were destitute of the divine protection, its very nature, as an intellectual system, would secure it from being destroyed by force or by mere example. It is a religion of opinions, doctrines, and precepts : It teaches rights and duties ; it arrests and keeps possession of the mind by hope and terror : Its temples are the heart and the understanding : It therefore cannot be mortally assaulted (admitting it to be a mere human system) except with intellectual weapons. The religions of antiquity had no solid foundation in the mind : They were therefore capable of being destroyed by force. When the temples and priests of an heathen deity were destroyed, the worship, consisting entirely of ceremonies, to the performance of which temples and priests were requisite, must soon have ceased, and the votaries have been compelled to find another object of idolatry. It was on this account that the ancient superstitions were so easily and so completely exterminated. But the religion of Christ was never yet destroyed in any country where it had once firmly taken root ; where it had ever been generally known, and embraced as a system of opinions, and not as a system of external rites. In spite of the sword, and oppressive tribute ; of insolence, and contumely ; of imprisonments, robberies, banishments, slavery and death ; in a word, in spite of the whole force and the example of the Mahometan governments of Asia, exerted during a long period with fanatical fury and perseverance, for the destruction of this religion, it is still, and during all that period, has been the popular faith in most of the countries subject to the Mahometan sway ; and it would have now been equally preva-

lent in China, Japan, and other eastern nations, if it had been introduced among them in its true intellectual shape, and not as a collection of ceremonies, which physical power could always destroy. Can we reasonably apprehend that the mere example of France will operate more powerfully on the minds of bold and obstinate Englishmen, than force and example, fire and sword, tribute and ignominy, have ever done upon the minds of the feeble, timid, and enslaved Asiatics?

If any formidable attack can be made against Christianity, it must be made with argument, or with something that resembles argument. During the last and the present centuries, such attacks were often made, especially in France, where they were more successful than in any other part of Europe; and where they were undoubtedly assisted by the revolution. But in England and most of the other countries of christendom, the church is now militant in the same posture in which she would have stood if the French revolution had not happened. No one whose faith deserves consideration and concern, or whose opinions can have an extensive influence over other men's minds, will form his judgment concerning any religion from what may happen in France, or in any other country, but from its merit as a moral system, and from the evidence on which it founds its claim to a divine original.

The property of this country has as little to dread as her religion, from the infection of French principles, or the influence of French example. Many and unjust confiscations were made within our view, before the æra of the French revolution, without disturbing among us the rights of property. I should not indeed apprehend any danger to property in this country, if the jacobin confiscations still

continued, and if daily robberies and murders were now perpetrated in France, as they were during Robespierre's tyranny. I trust we should view them with the deepest abhorrence, and that in place of exciting us to similar guilt, they would render us more zealous in the protection of property and life.

Robbery and murder have not much more power of fascinating the mass of mankind, than atheism. Many, indeed, may wish, although few will have the shameless audacity to declare, that they are willing to imitate the successful plunderer. But no extensive robbery, such as Mr. Burke apprehends, can ever be committed without a very extensive combination, and a full declaration and confession of the views of the combining parties. I am persuaded it would not be possible to find within this kingdom, granting liberal permission to canvass, such a number of men as would be sufficient to destroy the rights of property, who would also be inclined to do so, and barefaced enough to avow their guilty inclination. I have a better opinion of the people of England than Mr. Burke. I do not believe they are so prone to plundering, that they only want the revival of jacobinism in France to make them begin their depredations.

Property seems perfectly secure in England, because a great majority of the people are interested in its preservation. There is hardly an Englishman, possessed of a cottage and an acre of land, who does not know that he would be in danger of losing both if his wealthy neighbour could be plundered with impunity.

Whatever may be the operation of foreign example upon Great-Britain, and whatever example, unfavourable to the

rights of property, France may have hitherto given, she does not now, and probably will not in future, afford any further encouragement to unlawful confiscation. Her rulers having acquired for themselves and the state so much of the wealth of the proscribed orders, will naturally endeavour to render it secure. But it can possess no security except what it enjoys in common with all other property. If confiscations were still encouraged or permitted, it would be impossible to restrain the depredations of the confiscators to particular portions of property. The confiscators of France, and those who claim under their acts, should be uncommonly strict in securing to every man his just possessions, to compensate in some measure for the doubtfulness of their own title. On Mr. Burke's supposition that all their confiscations have been acts of robbery, they must consider that they are liable to have their own example turned against themselves ; they must therefore be careful that no future robbery, however minute, may be unpunished ; and they must oppose with rigorous severity every attempt to establish any new system of plundering on a large scale. He would be a highwayman of wretched intellects who, having acquired a handsome fortune by his exertions on the road, should suffer his zeal for his profession so far to get the better of his prudence, as to make him encourage the depredations of all other adventurers. If he were not miserably ignorant of his own interest, he would wish that no more robberies should ever be committed in the world ; he would advise in opposition to the jacobin doctrine that all titles to property should be maintained, without looking too minutely or too far back into their origin ; and he would admire above all things the anti-revolutionary principle of our statute of limitations.

Whatever the causes may be, the fact is, that since the death of Robespierre few confiscations have been made in France, except what were made most justly of the property of many of his accomplices. Judicial robbery, like judicial murder, can never long be an established system in a country where the voice of the people is heard. In France indeed it formed the chief part of Robespierre's system during many months. But as every one living began to think himself interested in the cessation of judicial murder, so every one that possessed any property, and chiefly all those who possessed the confiscated lands, began to wish that no more judicial robberies should be committed. Opposition to the general will was vain, and the cause of justice and humanity was triumphant.

The apprehension that the establishment of the French republic, will endanger the safety of our country, seems wholly unfounded. The form of the new French constitution, and the leading principles on which it is established, have a resemblance to the form and the leading principles of the constitution of Great-Britain.

In some instances the restrictions of the right of suffrage, both in respect to age and property, are more numerous and more severe in the former, than in ours. No French citizen has the right of voting for a member of either of the legislative councils, unless he is 25 years of age, and is in possession of a property equivalent in some districts to 7*l.* and in others to 14*l.* sterling per annum. The legislative authority is vested in two councils, or houses, according to our phrase. Citizens under the age of 40 years are excluded from the council of ancients, and after the seventh year of the republic, no person under the

age of 30 years will be eligible to be a member of the council of five hundred.

The French constitution does not indeed, like ours, require the election of opulent legislators : But it is not likely that the electors, who must themselves have property, will choose for representatives men who have none ; that they will vest legislative power with those whose necessities might tempt them to make too free with the purses of their constituents. I think it may be fairly presumed that these qualifications, if fairly allowed to operate, will give to the future government of the French republic, a character incompatible with a disposition to encourage wild and wicked revolutionary projects.

The executive authority of that commonwealth is now given to a council of five persons, who are vested with high powers and cloathed with little less than regal splendour. This council, called the Executive Directory, superintends the execution of the laws, the receipt and expenditure of the public money, and the ministry of all the municipal bodies : It disposes of the armed force by sea and land, receives ambassadors, negotiates treaties, proposes peace and war, appoints and dismisses at pleasure all the ministers, generals, and a great number of the other public functionaries : It has its guards, its messengers and its ushers.—[Their dress would in some countries entitle them to be called *gentleman ushers*.] Its members are lodged in splendid palaces, arrayed in robes of state, addressed in respectful language, and received with the highest military honours. Its relation to the legislative assemblies is similar to that which exists in practice between his majesty and both houses of parliament. If the directory have no legislative voice, his majesty never exerts

the legislative authority bestowed upon him by our constitution, but in sanctioning the decrees of our two legislative assemblies. The directory have not the full power of declaring war. It cannot be declared but by a decree of the legislative body on the formal proposition of the directors.* With us the same forms are observed ; for although the royal prerogative authorises his majesty to declare war in the first instance, he always sends a message to both houses of parliament, whenever war is deemed necessary, and without their approbation he never engages the country in any contest whatever. Treaties made by the executive directory with foreign powers are not valid until they are ratified by the legislature. His majesty can indeed by virtue of his prerogative make binding treaties, but these are seldom concluded without the approbation of parliament. In some circumstances, apparently of no great importance, our political modes are exactly copied by the republican legislators. They have constructed the very galleries of their assemblies in conformity with ours. What the speakers of our houses of parliament observe as to the admission of auditors into those assemblies has been adopted in France, and secured with the force and solemnity of a constitutional article.†

I confess, that as far as I could allow myself to judge, I was pleased at its establishment. Far from considering it as a jacobin structure, I regarded it as a fabric built up-

* *Article 526 of the new French constitution.*

† *Article 64 provides that the sittings of both councils shall be public ; but that the persons who attend cannot exceed the number of one half of the members of each council.*

on the tomb of jacobinism, and hoped that it would forever prevent the resurrection of that abominable system. The division and accurate discrimination of all the great powers of government; the independency of the tribunals; the two legislative assemblies; the strength of the executive authority; the severe qualifications of age; all these provisions seemed to me peculiarly suitable for the French nation; to curb its flights, to correct its levity; to moderate the violence of its head-strong passions; to restrain its rash precipitation; to protect unpopular minorities from the rage of the multitude; in short, to prevent for ever the revival of those wild, extravagant, monstrous and despotic measures which were pursued by the convention, and which were, in my opinion, not more ruinous to France, than terrible to Great-Britain.

Some circumstances, it must be observed, have rendered the provisions of this constitution much less efficacious than they will probably be after the lapse of a few years. The qualification of 30 years of age, will not be required in the members of the council of five hundred before the year 1799. This circumstance can have but little influence, compared with that of the memorable decree for the re-election of two-thirds of the convention into the legislative assemblies. Few will hesitate to admit, that the predominance of the conventional members in the composition of the new government, is unfavourable to its moral character, and that it will probably have a stronger claim to our esteem, when the good sense or indignation of the people shall have expelled every September assassin, and every accomplice in the crimes of Robespierre.

Notwithstanding that extraordinary decree, the new constitution, aided by other causes, has greatly changed the

spirit and character of the French government. The courts of justice are independent, and France is not desolated by those murdering gangs, the revolutionary tribunals : No proconsular tyrants scourge the departments : No system of robbery is established, or proposed ; nor is there any more encouragement given to revolt, in the countries that are at peace with her, than in her own dominions : No decrees of con-fraternity are made by her legislators : No orator of the human race, is permitted to propose, that every altar, and every throne be levelled with the dust, and that every country in the world be annexed as a department of the French republic. Her present rulers have established their power on the overthrow of a faction, which, notwithstanding its defeat, still meditates insurrection, and aspires to empire ; and they know that they cannot excite universal révolt abroad, without encouraging rebellion at home. They are therefore, as adverse to high revolutionary principles as any statesmen in Europe : They seem to encourage them only, where the encouragement facilitates their military operations, employing their politics merely as an instrument of hostility. We cannot reproach an open enemy with availing himself of a formidable weapon. Who would not account that government most stupid, who would spurn the proffered alliance of enthusiasm, and create enmity to their cause, and opposition to their measures, when they might secure zealous friendship, and powerful co-operation ? It would be as absurd to censure the French generals for countenancing the republicans of Flanders and Holland, as to blame our commanders for assisting the royalists in Martinique and St. Domingo. France does not now, as Mr. Burke continually represents, exert her power to extend her principles ; but she avails herself of her principles to aggrandise her power. She has long been extremely cautious of establishing them

(much more cautious than could have been expected from her former zeal,) except where they favour her hostile projects. Her directors appear to have been very dilatory and reluctant in changing the political system of Lombardy. Their journals avow the motives of their conduct. They are sensible of the energy of freedom, and they apprehend, that the establishment of a popular republic in the heart of Italy, might render that country one of their most formidable enemies. They are not merely indifferent, they are hostile to the extension of republican principles beyond their own territory.

In Belgium and the other conquered countries which they intended to form into departments, and unite to France, they naturally established her political system. They would have acted most absurdly if they had suffered any of their provinces to have retained a form of government entirely different from that of their empire. In Holland, indeed, which they have not modelled into a department, they have effected a revolution by co-operating with the democratic party. But that party was favourable to French politics ever since we espoused the cause of the stadtholder, and would probably have been assisted by France if she had atchieved the conquest of Holland under the auspices of Louis the Sixteenth. The enemy could never have drawn from Holland the advantages which that country has actually afforded to him since he subdued it, unless he had countenanced some one of its principal parties. The democrats, it was said, were the strongest. They were certainly the party most friendly to the conqueror, who, desirous of making the most of his acquisition, fraternised with them, aided them in establishing their favourite system, and permitted them to regulate their own affairs as

they pleased, on condition of co-operating with him in all the enterprises of his ambition.

But what puts out of all doubt that the French are no longer possessed with the spirit of propagating democracy, is their conduct in the last campaign, whilst they were in possession of a portion of Germany, containing the territories of many absolute princes. If they had been revolutionary zealots they would have then endeavoured to establish their principles in those places ; but it is notorious they did not attempt to excite any revolution in any one of them ; that they did not dethrone any prince, untitled any nobleman, or unbenefice any minister of religion. They do not now, like Mahomet, make their invasions, the sword in one hand and their creed in the other, except where their creed will procure them some solid advantages. Experience has taught them that the sword by itself is often more formidable. Solely intent upon national aggrandizement, they find a fitter employment for their armies than in enforcing their doctrines on the mountains of Germany. They annoy their enemy in the regular, approved, old-fashioned method ; by demolishing his fortresses ; by seizing on so much of his territories as they can conveniently hold ; by levying contributions on his subjects ; by forcing from him commercial immunities and privileges. They contend for wealth and dominion exactly in the style of Francis First : They are willing, when it may favour their all grasping ambition, to countenance and assist persons of every sect in politics and theology ; whether desirous of noble or popular rule ; whether attached to monarchy or despotism ; whether deists or atheists ; baptised or infidel : They have indeed given equal proofs of their attachment to the grand signior, the king of Prussia, the lords of Piedmont, and the people of Lombardy ; to the papists of Milan, the Jews

of Amsterdam, and the Mahometans of Constantinople. These are facts of notoriety, which prove that Mr. Burke's statement of the nature of the war is fundamentally erroneous. It cannot be considered in any respect as a "civil war;" or a war against an "armed doctrine," or a nation of propagandists. We contend with a nation of enterprising warriors. Our enemy is strictly "local and territorial." His strength consists in his extensive territories, his impregnable fortresses, his victorious armies, and in his abundant material resources, rendered formidable by his activity, and dangerous by his insatiable thirst of dominion. We have to repress the rulers of France, as a government, endeavouring to extend their mighty empire; not to exterminate them as a sect of fanatical atheists attempting to barbarise the world.

From Mr. Burke's representation it would appear that France had been conquered, and was now governed by a tribe of atheistical vagabonds. But the truth is, that she is governed by her own citizens exclusively; and so jealous is she of any other than national rule, that her constitution excludes from the humblest political privileges, all foreigners who have not lived within her territory a sufficient time to justify the presumption that they have formed towards her a national attachment. Her ambition is of the old kind, restless indeed as ever, but strictly national; and it must be guarded against and repressed as in former times. When this is effected, as far as circumstances require and will permit, peace may be made with her as safely as with any other powerful, ambitious, and enterprising state. The opinion that we should war with the '*existence*' and not the *conduct* of the French republic would be as dreadful and destructive to be adopted and acted upon, as it is in just theory destitute of all foundation.

To show that her rulers aim at the destruction of every government in Europe, Mr Burke observes that “they have hitherto constantly declined any other than a treaty with a single power,” and that “they must be worse than blind, who do not see with what undeviating regularity of system, in this case, and in all cases, they pursue their scheme for the utter destruction of every independent power, especially the smaller, who cannot find any refuge whatever but in some common cause.”

The directory declared, in their answer* to lord Malmsbury’s memorial, that they did not decline treating with Great-Britain and her allies, conjointly. That they have hitherto preferred treating with their enemies singly, is no proof that they pursue a scheme for their utter destruction. Their policy in this respect was so obvious, that they would have been extremely stupid if they had preferred any other. It is the stratagem by which a great confederacy is most likely to be broken and confounded; and the adoption of it by France, proves no more, than that she was desirous of getting rid of her enemies in the best and speediest manner. A confederacy of three nations is now formed against us. Suppose an ambassador was sent by the king of Spain, to treat for peace with Great-Britain; would your lordship recommend his majesty to decline treating, until an ambassador should come from the French republic? Would you not eagerly seize the opportunity of detaching an ally from the great enemy? If you had good reason to believe that a separate peace could now be made with Spain, on as favourable terms as France obtain-

* *This answer did not appear until after the publication of Mr. Burke’s letters.*

ed from several of the combined powers, would you not advise every just measure to expedite such a fortunate event? Would you not defer, if not absolutely decline treating with our enemies conjointly, if you could treat with them separately, on more honorable and more advantageous conditions? What would you think of the republicans, if they made this conduct a subject of invective, and adduced it as a proof, that his majesty was pursuing a scheme for the utter destruction of every independent power? Would you not deem their accusation unfounded and ridiculous; and compare the authors of them to children, who, in their little battles, complain that their antagonists strike too hard? It would be as just, becoming and magnanimous in the enemy to inveigh against us for the victories of our fleets and armies, as for the success of our negotiations.

Mr. Burke considers the change which France has made in her laws, manners, morals and usages, as further evidence of her determined hostility to all mankind.

Few points can be established by better evidence than that France bears no resemblance at this time to the horrible nation he has described under her name. We know that the majority of her people are employed, either in the useful labours of agriculture, or the more arduous and more honorable duty of defending their country; that of the remainder, some are occupied in the important tasks of legislating and of administering laws; others in high pursuits of science; some in the cultivation of the elegant arts; others in the acquisition of wealth; others in quest of the bright phantom, glory; all actuated probably, by the same sort of motives, good and bad, fair, corrupt and compounded, that urged the inhabitants of

this island in their various pursuits. Is it possible that they are cannibals, savages and obscure ruffians, who have been more careful than any government in the world, in providing institutions for useful, learned and refined education ? Is it possible that those works of genius, judgment and erudition that come to us almost daily from France, and excite our warmest admiration, are executed by debauched banditti, assassins, bravos and smugglers ? Does the history of the whole world exhibit a single instance of a debauched and depraved nation, possessing such a proud spirit of rationality as now animates the French people ? No : their enthusiastic devotion to their country, in all the vicissitudes of her fortune, is utterly incompatible with the abominable vices of which they are accused by Mr. Burke. These would suffer no passions but the vile and selfish, to exist in their minds. Some of their very faults ; their haughtiness and arrogance towards foreign powers ; their self-sufficiency and unreasonable pride ; their perseverance in pursuit of whatever they undertake, just or unjust ; their insolent and unbounded ambition, will rescue them from the imputation of gross and savage wickedness, and demonstrate that they are not sunk in brutish depravity.

Let none imagine from what I now say, that I am disposed to be the advocate of the French government, or the undistinguished panegyrist of the French nation. I wish to represent it, as an enterprising and formidable enemy whom we should oppose, if we must still oppose, no otherwise than by fair hostility ; and whose friendship we may accept of with honour whenever we can cultivate it with safety ; not as an assemblage of vile and fanatical barbarians, who are hostile to the whole human race, and whom we should therefore pursue to destruction. I wish

to refute the calumnies that are only calculated to prolong this war, and to render it more bitter while it lasts. I wish to show that a treaty of peace and alliance (which Heaven accelerate) may be made by us with the French republic, without being disgraceful to the reputation, or injurious to the interests of Great-Britain.

Sooner or later peace must be made, but peace between such proud, martial and high-spirited nations can never be of long duration, whilst either of them is exasperated against the other; it is therefore the duty of every good citizen to prevent, as far as he is able, the irritation and exasperation against France, which Mr. Burke's unjust invectives are likely to produce.

Continuing this style of rancour, he asserts, that the French legislators "have omitted no pains to eradicate every benevolent and noble propensity in the mind of man," and that "their law of divorce, like all their laws, had not for its object the relief of domestic uneasiness, but the total corruption of all morals, the total disconnection of social life."

On the very face of this statement it must (I hope) be a misrepresentation. I cannot believe there ever existed a body of men who undertook, with cool and steady design, to effect the total corruption of all morals. The rulers of France could have had no interested motive for attempting such atrocious and stupid wickedness. History does not exhibit any race of men, nor has any writer of correct imagination ever fabled a class of beings, coolly and steadily wicked without selfish inducements, or perpetrating mischief only for the delight of contemplating misery. Our great poet will not suffer even those spirits, whom he re-

presents as the source and perfection of every thing guilty and abominable, to pursue their projects without the impulse of a powerful motive. If the French legislators meditated, as Mr. Burke asserts, the subjugation of the world of Europe to their laws, manners and opinions, they must have lost their senses if they would intentionally encourage corruption of morals. The execution of that daring design would require the aid of every stern and rigid virtue ; of courage unappalled by any danger ; of patience in difficulties and hardships ; of devoted zeal ; of perseverance against reverses of fortune ; of prompt and blind obedience. It would have demanded the sacrifice of every private feeling and every selfish regard to the public ambition. Would the practice of these virtues be promoted by an universal dissoluteness, and the total corruption of all morals ?

Dissoluteness and corruption of morals, when spread over a nation, will inevitably give it a voluptuous, feeble, and effeminate character. If France has formed a scheme of universal conquest, a law that would produce dissolute and licentious manners in a considerable degree among all her citizens, would be more beneficial to mankind, and more ruinous to her guilty ambition, than the annihilation of half her armies, and the capture of all her frontier fortresses. No dissolute people have ever yet subverted the liberties of any portion of the world. If the history of every age and nation can be depended upon ; if Lycurgus, and the fathers of ancient Rome are of any authority ; if Bacon, More, Harrington, Montesquieu, Hume, and the whole race of speculative jurists and political philosophers are not completely mistaken, the legislators of an aspiring, martial republic, should not only discourage, but should most rigorously repress licentious manners. They destroy

all the virtues, and even the vices, that enable such a state to accomplish its ends. They render a people unable to bear the fatigues of military duty, loth to encounter dangers, unwilling to sacrifice, or even forego their ease and pleasures on any account, and careless, except as they are personally interested, of their country's glory or disgrace, her aggradizement or her ruin. Nor are they favourable to those shocking and unnatural exertions of patriotism, which have sometimes filled a whole people with a frantic fury, that has rendered them invincible and irresistible. Dissoluteness, with all its evil, is not universally corrupting. Although it always diminishes public spirit, it does not always extinguish the natural affections.

I do not mean to deny that the opposite vices of unnatural severity and extreme dissoluteness may exist in the same nation, or that the same city may contain a Brutus and a Messalina. But I insist, that the legislators, who wish to avail themselves of the austere fortitude of the one, are mad if they encourage the depravity of the other ; for that vice, if become general, would not only prevent any prodigies of patriotism, but would soon destroy all rational attachment to the common welfare.

Since the downfall of jacobinism, we do not hear of any of those horrible exertions of public or party spirit that were at one time so much applauded in France. By some persons these patriotic enormities are called virtues, and they are generally characterised by an epithet taken, with great propriety indeed, from the name of that nation that robbed and enslaved as much as she could find of the world. I confess I feel abhorrence, not admiration, at those conquests of nationality over nature. I detest all laws, institutions and opinions, that require the man to be sacri-

ficed to the state, and private virtues to public ambition. When such sacrifices are demanded and applauded, the foundations of moral philosophy are rudely and dangerously shaken. The sense of right and wrong must be obsequious to political circumstances. Public opinion, the strongest sanction of moral law, will be depraved, and will afford all its authority to recommend as examples, those excesses and crimes which are committed, or may be pretended to be committed, in the fury of an ungovernable patriotism.

Country is a moral being of our own creation, which we support for our own advantage. It can neither destroy nor supercede the rights of those beings to whom the sovereign legislator of the universe, providing for our welfare by means, certainly much wiser and fitter than any that we can devise, has drawn us by stronger attachment, and bound us by a prior obligation. The factitious rights and duties cannot take place of the natural. Our country cannot require of us to forget our instinctive affections ; to violate any duty, or perpetrate any crime. If in some circumstances she may require the violation of any one duty, or the perpetration of any one crime, she may in others require the violation of any other duty, or the perpetration of any other crime ; and therefore she may command us to violate all our duties, and to perpetrate all sorts of crimes. If she can justly require you to murder your son, she may, by a less rigorous exaction, command you to betray your friend, to rob your benefactor, to violate your oath ; and indeed all those crimes, when supposed to have been perpetrated from revolutionary motives, were applauded in France during the flagitious reign of the jacobin usurpers. But this moral being, country, exists only for the general good, which is its laws, and which sets limits to its claims.

It cannot therefore require what would be so utterly subversive of that end, as the violation of the duties of nature and the laws of universal morality.

A blind, unlimited, and exclusive devotion to cause and country, has occasioned some of the greatest calamities that have ever afflicted the human race. It was a vicious enthusiasm that enabled the Roman robbers to pillage the earth, and a few wretched and ignorant fanatics of the desert to barbarise almost all the nations of Asia, and one of the finest and most celebrated portions of Europe. A furious zeal has often made the mildest of all theological systems, the christian religion, appear the most detestable; and has transformed that dispensation of mercy into a cruel scourge. Liberty, the greatest of temporal blessings, when cherished and supported by a rational affection, has been made, by the fiery enthusiasm of its advocates, to produce as much misery as the most savage despotism. It was this frantic principle that gave success for a time to the jacobins, and had almost enabled them to plant their associated gangs, more abominable than that murderous junto which Sparta imposed upon the vanquished Athenians, in the midst of the finest countries on the continent of Europe. Happily for the quiet and freedom of the world, this ferocious spirit has expired in France along with the system that gave it birth. Her people are still animated in her cause by a generous zeal: a passion as remote from the terrible jacobin madness, as inconsistent with a corrupt and depraved national character.

During the whole discussion on the law of divorce, the object of which, according to Mr. Burke, was the total corruption of all morals, I happened to be in Paris, and to be acquainted with some of the members of the nation-

al assembly, who were active in support of that measure. I am firmly persuaded that they had no such object in view. They acted in this instance as in many others, without sufficient caution or consideration. The law of divorce was adopted in the delirium of liberty.* An indissoluble engagement of any kind appeared to the democratic enthusiasts destructive of freedom. They expatiated on the dissoluteness and domestic misery that prevailed throughout France, occasioned, as they asserted, by the abuse of the ancient paternal power, and by the licentious manners that had grown up under the ancient system. The object of the law of divorce was not to corrupt morals,

* *Mr. Burke (through inadvertency I presume) has stated the law of divorce inaccurately. He says in page 102, "proceeding in the spirit of the first authors of their constitution, succeeding assemblies went the full length of the principle, and gave a license to divorce at the mere pleasure of either party, and at a month's notice." The law of divorce passed by the National Assembly in September, 1792, provided, that when either party demanded to be divorced without the consent of the other, and assigned no other cause for the demand than incompatibility of tempers and dispositions, the person making the demand should signify it to a municipal officer, who was directed to cause the relations of both parties to meet at the expiration of three months. If they could not then reconcile them, they were to hold a second meeting, for the same friendly purpose, at the expiration of three months from the time of the first meeting; and if this second attempt at reconciliation failed, the divorce, if insisted upon, was allowed without further delay. A divorce at the pleasure of either party was therefore not permitted without at least six months notice.—See La Loi de Divorce.*

but to relieve the domestic inquietudes that corrupt morals had produced ; but although its purpose was good, its operation was certainly most pernicious. It did not sufficiently restrain capricious separations, nor sufficiently protect those who stand most in need of protection. It abandoned the most feeble and most amiable of our species to the mercy of those who, if they ever have the detestable inclination, will always have the power to injure them. The ardour of the authors of this law prevented them from foreseeing the consequences. In their estimation, nothing was of account when set in opposition to boundless liberty. But Mr. Burke will attribute nothing of the conduct of the revolutionists, no, not a single act or endeavour, to mistaken zeal ; nothing to wild, extravagant enthusiasm ; nothing even to ignorance, stupidity or folly, or to any other cause that might in any degree extenuate their errors. He finds the source of every one of their measures in wicked cunning ; in cold, designing villainy ; in determined hostility to the human race ; in persecuting atheism ; in systems of pure, unchequered guilt ; in the radical depravity, and the inherent, inveterate, incurable corruption of their nature.

Speaking of the new laws, usages and manners of France, he has these observations : “ The whole body of this new “ system of manners in support of the new scheme of politics, I consider as a strong and decisive proof of determined ambition, and systematic hostility. I defy the “ most refining ingenuity to invent any other cause for the “ total departure of the jacobin republic, from every one “ of the ideas and usages, religious, legal, moral or social, “ of the civilized world, and for tearing herself from its “ communion, with such studied violence, but from a “ formed resolution of keeping no terms with that world.”

No refining ingenuity is requisite to show, that the new system of government of France, demanded a corresponding system of laws, usages and manners, and that she could not effectually establish the one without the aid of the other. Having abolished the feudal regimen, with all the immunities and distinctions of the privileged orders, and lastly, the monarchy itself, she acted only with common sense in abolishing all the Gothic usages; all the adopted titles of the Roman code, that related to monarchical government, and all the laws, customs, and manners that had any connexion with the feudal system, with the privileges of the orders, or with the power, influence, and splendor of the throne. A revolution in the system of government can never be complete, unless laws, usages, and manners above all, are made congenial with the new order of things. If the old laws and manners remain, they will perpetually recall the old system of government to remembrance; they will make its loss regretted, and in the course of time, or at any favourable opportunity, they may occasion its restoration. I doubt whether the laws of landed property, that spring from the feudal institutions, and the manners that prevailed in France during her ancient regimen, could exist in a democratic republic. If they could exist in it for any time, they would be at perpetual variance with the spirit of the government. It would sit heavily and awkwardly upon them. It would keep them in continual fear, and subject them to unceasing vexation.—They would always sigh for the return of that government, that instead of threatening, insulting, and despising, would foster and protect them. How came it, that at the restoration of our Charles II. the republican government expired in England without a struggle or a groan? Because the old laws, usages, and manners had been left almost untouched. Every thing was congenial with the old constitution. The

country was conquered by the fanatics, as by a band of Mamelukes, but not revolutionised. She thought and felt monarchically. Republicanism was violence during this time. The restoration of the old constitution was the restoration of the natural order of things, and it was accomplished with a facility that appears incredible to those, who do not sufficiently consider the powerful influence of customs and manners. The people naturally exulted at the restoration of the system, from which their prejudices and affections had never been drawn away by any revolutionary artifices. Much as its re-establishment was facilitated by the opinion of its own merit, it was greatly indebted to the ignorance and stupidity of its fanatical enemies. They had no management. Although complete masters of the country for eleven years, those barbarous usurpers could make no impression upon it, except what was ruinous to themselves, their government, and their execrable religion.

Far different has been the conduct of the revolutionists of France. They have suffered nothing to remain that could militate against the genius of their institutions. La Vendee was the only part of France impervious to their operations, and its long and zealous attachment to the ancient system may be attributed, in a considerable degree, to the little change that was effected in it by the revolutionary measures. All these circumstances should be well weighed by those whom the restoration of Charles II. still encourages to expect the re-establishment of the throne of Bourbon.—From what has been stated, we can account satisfactorily for the change which the French republic has made in her laws, customs, usages, and manners, without supposing with Mr. Burke, that she had formed “ a resolution of keeping no terms with the

world," or that she had any other motive in this instance, than a strong desire of firmly establishing, and perpetuating her own system of government within her own dominions. The change in her laws has not indeed, been quite so great as Mr. Burke represents. Most of the articles of the Roman law, not interfering with the republican system, that were formerly adopted by France, are still found in her code, and are meant to be preserved, if Cambaceres has spoken the sense of her legislature.

But if the change in her laws, manners and usages had been as great as possible, it need not prevent an eternal peace between her and every country in Europe. We have long been at peace with nations which differ from ours in almost every thing in which it is possible for a difference between nations to exist; in government, religion, laws, customs, manners, prejudices and opinions; with the Ottoman empire; with the piratical communities of Barbary; with Poland and Russia. The good understanding that we have maintained with those states cannot be attributed to their distance from us, since our navy would speedily bring them all within the reach of our power. Our wars have been almost always with the countries whose governments and manners most nearly resembled our own. "Resemblances, conformities, and sympathies," do indeed lead us to associate; but they very often occasion us to quarrel. They make us pursue the same objects: they therefore create rivalry. "Nothing," says Mr. Burke, "is so strong a tie of amity between nation and nation, as correspondence in laws, customs, manners, and habits of life." Yet such a correspondence between the commonwealths of Greece formerly, and between many of the nations of Europe in modern times, by giving them the same views, the same wants, the same ambition, produced per-

petual rivalships, jealousies, animosities and contentions between them. States which are candidates for the same sort of power, wealth and renown, must frequently clash in their pursuits, and the discordance will generally kindle irritation enough for a quarrel. France and England have long sought to acquire dominion and influence in the world by the same means, and they have found in almost every object of their ambition, a source of war.

Those resemblances between nations have often made their wars more rancorous, as well as more frequent. The most trivial disagreements have caused the most spiteful and sanguinary conflicts. Mr. Burke observes with satisfaction, that "the nations of Europe have had the very same christian religion, agreeing in the fundamental parts, varying a little in the ceremonies and in the subordinate doctrines." Yet these ceremonies and subordinate doctrines; the fashion of a hood; the placing of a table; the decorations of a church; have produced amongst christians, malignant and bloody wars.

If, at the commencement of the reign of Louis XIV. France had become dissimilar to this country in every respect, by being suddenly converted to the Mahometan religion, and to Mahometan politics, opinions and habits of life, such as they are at this time, we might not have had one contest with her ever since. She would not have given herself the least concern whether we were Papists, Lutherans or Calvinists; whether our king was a Tudor, a Stuart, or of the line of Brunswick; whether the high church or the low church, the whig or the tory preponderated in our legislature. She would have viewed with indifference and composure our rising colonies in America; our conquests in the East and West-Indies; our commer-

cial monopolies ; and we should have contemplated her affairs without any emotion except what might arise from our curiosity ; little anxious about the proceedings of the divan or the intrigues of the seraglio ; little concerned whether the sect of Ali, or the sect of Omar was triumphant. It is difficult to suppose any cause of hostility with France in this situation ; so that, in truth, a total dissimilitude in laws, customs and manners, instead of being a cause for implacable enmity, may be a strong preservative between nations of perpetual peace.

I have hitherto maintained little more than that peace might be made honorably, if it could be made safely. On the advantages of peace it is unnecessary to expatiate.—The topic, although so fertile, has been nearly exhausted. There is, however, one among those advantages that has not been considered with the attention it merits : I mean the influence that peace would have upon France ; in soothing her sufferings ; in mollifying her stern character ; in lowering her high military spirit ; in destroying what may yet remain of the revolutionary enthusiasm ; in a word, in directing all her valour, enterprise, perseverance, activity and energy to other purposes than conquest or destruction. She might soon be distinguished for refinement, and blessed with prosperity. I shall be told, perhaps, that she would then become a formidable commercial rival to Great-Britain. Be it so. She will be a much less dangerous rival to us as a commercial than as a warlike republic. It is vain to deny it : great commercial prosperity tends not only to mollify and refine, but to enfeeble the national character. A nation of rich merchants and manufacturers is a far less formidable foe, than a commonwealth of fierce and hungry warriors.

If I were perfectly neutral in this great contest, I should wish sincerely for the peaceful happiness of the people of France. But as one of their enemies, I wish for it most ardently. What would be our situation if we had succeeded in reducing France to famine and wretchedness, and had deprived her of all hope of improving her condition, except by plunder? The exuberance of her population, urged by political passions only, carried terror and dismay throughout all Europe. What then would she not achieve if, impelled by the necessity of preserving life and thirst of vengeance, as well as by enthusiasm, her whole race of warriors were to gush forth on all sides, uniting Vandal fury with Roman perseverance and knowledge seldom equalled in the science of war? I confess, I sincerely desire that France may soon become rich enough to have more to fear than to hope from hostile depredations, and that she may derive so much prosperity from the re-establishment of peace, as to make her desirous of its eternal preservation.

It is evident that a general peace would have upon her that benign influence, which I delight to predict. The partial treaties which she has already made, have produced it in so great a degree, as to have divested her of the savage ferocity that marked her character, while she was assailed by all the confederate powers. I consider the effect that a peace of tolerable duration would have upon the martial spirit, and the political ardour of the French people, of such importance, that I believe the French republic, bounded by the Rhine, the mountains, the Mediterranean, and the ocean, would be a less formidable antagonist, after ten years of tranquillity, than she would be at this time, if her empire did not extend beyond the territories she possessed at the commencement of the

war. It is not long since Spain has become her ally, and our opponent. The event did not depreciate our funds an hundredth part of their value. Spain is a quiet, sober, regular enemy. Her friend has not been able to communicate to her a spark of his fire. One Spain coming against us, fresh out of a revolution, would be worse than a dozen of such enemies as Spain is now.*

It has been urged, that the conduct of the French republic to some of her enemies, and to all the powers with which she has made peace, should deter us from making with her government any treaty whatever. Mr. Burke accuses her of negotiating with the insolence of ancient Rome, and he seems to regard each of her generals as a Brennus.† “Spain,” says Mr. Burke, “is a province of the jacobin empire, and she must make peace or war, according to the orders she receives from the directory of assassins.” That the French directory have great influence over her councils cannot be doubted. But it seems

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* *Mr. Burke, having discussed the subject of the equivalent to be offered to France for the cession of the territories conquered by her from our allies, makes the following mysterious observation: “If you or others see a way out of these difficulties, I am happy. I see indeed a fund from whence equivalents will be proposed. I see it, but I cannot just now touch it. It is a question of high moment. It opens another Illiad of woes to Europe.”—See page 156. Concerning the nature of this fund I have formed various, but unsatisfactory conjectures.*

† “With their spears they draw a circle about us.” p. 61.

“He is the Gaul that puts his sword into the scale.” p. 13.

to have been acquired in some degree by diplomatic address. It is certain, at least, that if her situation is as Mr. Burke represents it, she is ignorant of her abasement. She would not otherwise speak of her masters in the contemptuous and insulting language she applied to them in her answer to the remonstrance of the court of Petersburg, concerning her conduct to the allied powers. When she published that answer, she must have forgotten that "the regicide ambassador governed at Madrid," and he too, must be unacquainted with the extent of his power, or he would not tamely suffer such an outrage on his dignity.

Prussia has also been supposed to furnish proofs of French insolence. This has been presumed, in consequence of the permission granted by his Prussian majesty to the French citizens, who reside in his territories, to distinguish themselves by the revolutionary decoration. But from the conduct and views of the French directory and the king of Prussia, when this distinction was allowed, it is extremely improbable that he granted it without some sort of compensation.

There is not one of the other states she has made peace with, to which she bears such a relation, as would exist between her and the British empire after the termination of the war. The power of waging war is the best guarantee for preserving peace ; and when a country refuses to treat with her enemy until he has deprived her of that power, she lies wholly at his mercy, and can expect nothing more than permission to capitulate.

With respect to our material resources for supporting war, by which I mean men and military apparatus of every

kind, I can hardly see an end to them, provided the people will contribute to the utmost extent of their ability. But if they refuse to contribute, except in the usual, regular, and moderate manner ; if they are animated by no fervent zeal, no glowing patriotism, to support them under privations and in distress ; if in short, they will not give every thing beyond what is necessary to support themselves, to support their country, I am apprehensive that this war cannot be long continued without very great embarrassment.

On the subject of the military resources of nations, some very erroneous opinions have been prevalent. It is not in money of any description, paper or metallic, that the actual resources of a country consist, nor is it by the credit of assignats or mandats, or the price of any public fund that we can estimate the real ability of France or of England. If a country produce men, ships, provisions, arms and ammunition in sufficient abundance, or enough of other valuable commodities to purchase what she does not produce ; and if her people are willing, or can be made to contribute them for her service, she may wage war, defensive or offensive, as long as they last, without possessing a single piece of coin, and without being obliged to support any paper currency by plunder. Those representatives of value, which have been mistakenly considered as real resources, are no more than useful instruments for obtaining the actual instruments of war. They greatly facilitate, but they are not absolutely necessary to the transfer of them from the subject to the government. In some situations the government may lay their hands on whatever they want for the public service in the first instance. But in such countries as France and England, an able minister can never be driven to adopt this oppressive mode of supply. He must be extremely igno-

rant of the science of finance, who could not maintain a good paper currency, having the whole surplus produce of a wealthy nation to support it. If every piece of coin, and every note, bill and debenture in Great-Britain were suddenly annihilated, the loss would not render us unable to carry on a long and vigorous war; if the population and produce of the country continued as at present, and if her people were animated in support of the contest. The loss of the present circulating medium, although it would occasion extreme embarrassment, would not deprive us of men or arms, or of any of the materials for attack or defence, except what the annihilated coin could have purchased from foreign countries. Nothing, indeed, short of a palpable state necessity would justify the creation of a paper currency in a great commercial nation. It is an expedient productive of much evil, and I trust we shall never be compelled to adopt it. If, however, a paper currency were our only resource, it might be maintained by imposing annual taxes, to be paid with the paper money only, to the amount of the paper money annually issued. It might even preserve its full nominal value, if that amount exceeded those taxes in a certain degree. So much of the paper money as would be absorbed by commerce, might be safely issued, over and above the quantity of that money that would be returned to government by the taxes. If this currency should fail, another could be raised upon different principles. Taxes might be imposed on actual produce, and the payment exacted in kind. What they yielded might be lodged in the public storehouses, and such articles as the government had no occasion for, might be sold for the paper money, to keep up its value; and with this paper money the government might purchase what they

could not obtain by direct taxation or requisition.* This last sort of paper currency, or rather, this mode of supporting one, is awkward and embarrassing. It can only be necessary when the first sort of paper money has failed, through extravagance, bad faith, or financial inability.

France has fully shown, since the revolution, in what real military resources consist ; and she has completely refuted the opinion, that the want of money, or even the ruin of a system of finance, must necessarily disable a country from prosecuting war with vigour.

At the beginning of the revolution the coin of France disappeared. Its place was supplied by the assignats ; various causes reduced their value so much, that they were at last hardly worth the expense of fabrication. Yet in their lowest state, France supplied her armies with the most lavish profusion. She produced every thing they wanted, and her government were masters of every thing that she produced. For a short time they levied taxes on

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* *A part of the internal commerce of the state of Virginia is carried on through the medium of a paper currency, called tobacco notes. The owners of tobacco of a certain quality, are permitted to lodge it in the ware-houses of the state. Receipts, specifying the quantity deposited, are given to them, and are circulated as the signs of so much value, which, as the quality of the article represented is ascertained, can be appreciated from the state of the markets with tolerable exactness. The government of Virginia, if they possessed no specie, might impose a tax upon tobacco, to be paid in kind, and issue tobacco notes for the service of the state, payable at the public ware-houses in so much tobacco as the notes represented.*

property in kind, and when pressed hard they made direct requisitions. Another paper currency (the mandats) has been established, and has succeeded in part. Where it fails, metallic money is obtained to supply the deficiency. During the greatest of the fiscal distresses of France she carried on the war against the allies with an energy that cannot be derived from the most flourishing finances, unaided by the power of enthusiasm.

Extensive as our material resources now are, we should not be able to accomplish the objects for which Mr. Burke advises the continuance of the war, if every one of us were convinced of the justness of his opinions, and fired with the ardour of his zeal. France was at one time assailed by 50,000 men, on the very lowest computation ; consisting of the armies of La Vendee, those of the king of Spain, the king of Sardinia, the Italian states, the king of Prussia, the emperor, the Germanic princes, Holland and England. Most of those armies were enraged against the enemy ; they were all composed of brave, active and disciplined troops, and were commanded by many of the ablest generals in Europe. Yet this mighty force not only failed in its object, but failed without ever having been near the attainment of it ; without ever having been even in a situation from which we might now presume, that it would have been successful, if it had been increased by two or three hundred thousand men. These numerous, well conducted, well appointed, active and enthusiastic armies, not only failed of the conquest of France, but were themselves vanquished by her in a shorter space of time, and with more terrible defeat, than any other force of equal magnitude, whose discomfiture is recorded in the annals of the modern world. No person in his senses would think of attempting the conquest of France,

or what is the same, the subversion of her political system, in this moment of her prosperity and triumph, with less than double the force, which was so extremely inadequate to that achievement in the days of her greatest difficulties and deepest affliction. Were a million of troops at our disposal, (a force which in our present circumstances is hardly necessary to say we cannot bring to act offensively against her,) I do not believe that we could change her government.

Fortunately for this country, and perhaps for the whole world, all powers and all parties seem to have relinquished the design of effecting by force, a counter-revolution in France. Indeed, as far as France is only concerned, there seems no attainable object of value, for which the continuance of the war against her would be advisable.

Her commerce as an object of booty is contemptible. Almost all her possessions in both the Indies are ours, except the island of St. Domingo, which I am told the whole force of England would be insufficient to subdue. As for France herself, she lies before us a mighty and impenetrable mass of strength. At home, I trust that we are equally invulnerable; and that although we have not like France, a chain of fortresses to impede an invader, we are as firmly protected, should even our navy fail, by the rampart that made Sparta so long invincible, a wall of men. Externally, our situation is not so strong. Our extensive commerce, and our rich and numerous colonies, render us vulnerable in every quarter of the world. The peril in which these may be placed deserves serious consideration. But there are other objects of higher importance. Great-Britain has much more at stake than her colonies and her commerce. Ardently as I wish for a speedy peace,

and sanguine as is my hope that it will be the foundation of a sincere friendship between France and England, and the forerunner of unexampled prosperity to both nations, it would be the last advice I would offer to my country, to sacrifice her glory or her freedom for the preservation of her wealth.

The manner in which the directory have broken off the negotiations must be highly afflicting to every one who wishes for the termination of the war. The advocate for peace is extremely embarrassed by their conduct. It has placed us in a very difficult situation. Difficult, however, and embarrassing as it is, I trust that the magnitude of the evil will suggest some remedy, and that both parties will sacrifice punctilio, to put an end to the effusion of human blood, and to all the other evils of this murderous conflict.

I have the honor to be,

Your grace's most obedient servant,

JAMES WORKMAN.



A LETTER

TO THE

RESPECTABLE CITIZENS,

INHABITANTS OF THE COUNTY OF ORLEANS;

TOGETHER WITH

SEVERAL LETTERS

TO

GOVERNOR CLAIBORNE,

AND OTHER DOCUMENTS RELATIVE TO THE EXTRAOR-
DINARY MEASURES LATELY PURSUED
IN THIS TERRITORY.



BY JAMES WORKMAN, Esq.

*Late Judge of the County of Orleans, and of the Court of
Probates for the Territory of Orleans.*





A LETTER*

TO THE

RESPECTABLE CITIZENS,
INHABITANTS OF THE COUNTY OF ORLEANS.

GENTLEMEN,

THE public journals have announced my resignation as judge of your county : I offer the following letters and documents to your notice, anxious to prove that I did not quit my post at a time of difficulty and peril, for any other cause than the failure of my efforts to obtain from the executive the support necessary to the performance of my duties. Every possible exertion was made by me, but in vain, to repress the usurped power that subverted and insulted the law, and to terminate the despotism which, obscure as to its nature, objects and extent, hung in terror over this afflicted and degraded land. These documents will show that from the commencement of this odious and disgusting tyranny, my resistance to it, as far as my legitimate authority enabled me to resist, was uniform and persevering. Neither menaces, nor calumnies, nor accusations, secret or open, nor outrage, accompanied with indignity, for a moment induced me to relinquish or relax in my opposition. The last letters in

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* *In this and in the following letters a few corrections have been made.*

this collection, and those which remonstrated with the greatest severity, were written and delivered subsequent to the time when you saw me conducted by dragoons as a prisoner through the city; and subsequent also to the charge which it was thought proper to prefer against me, after I had accused general Wilkinson and governor Claiborne of high offences before the house of representatives of the territory. Those officers expected, perhaps, that their conduct towards me, and the apprehension they supposed I should entertain of the lengths to which malice might push persecution, would have induced me to soften, if not to abandon my opposition to their lawless career. If such was their expectation, they have been wholly disappointed; every outrage, and every slander to which I became subjected from their enmity, especially from the enmity of the man who owed in some degree to my steady support that he yet held the power of persecuting, served only to sharpen the severity of my remonstrances to the ungrateful author of the injustice.

I entreat you, gentlemen, to remark also, that while in my own person I disregarded the oppressor's anger, I observed due caution in whatever regarded the safety of other men, carefully avoiding, as far as my authority was discretionary, every measure which in our distracted state might have endangered the lives of the citizens.

I allude to my letter to the governor when I was called upon to issue an attachment against general Wilkinson.—My reasons for taking that precaution, are set forth in the passage printed in *Italics*. My conduct was in all respects similar to that of judge Bee on a like occasion in Charleston, although the circumstances under which that magistrate acted, did not by any means require the same cati-

tion as the very extraordinary and embarrassing situation in which I was placed : but as my judicial conduct during the late trying period is the subject of accusation in a communication made to congress, it may be requisite to answer the charge more fully than my occupations at this moment will permit. In the mean time, however, I cannot forbear to notice the wretched and infamous libel fathered upon me by its stupid authors, and published together with the president's official message. It is stated as the ground of suspecting me for being connected with Mr. Burr in his conspiracy, that I declared that "*the republican who possessed power, and did not employ it to establish a despotism, was a fool.*"—Without deigning to dwell upon the intrinsic incoherency, and the absurdity in terms which this vile morsel of nonsense contains, I may remark that if men's opinions can be inferred from their conduct, the sentiment which would have been expressed in that sentence, if those who wrote it knew how to write, may be fairly imputed to general Wilkinson himself. The instant I saw the paragraph, I ventured to particularise its authors. The miserable folly of the thought, and the bombast in the expression, induced me to believe that it must have been the joint composition of both their civil and military excellencies. The imbecile driveller who in a solemn state paper declared his apprehension of the arrival of persons charged with the fulfilment of a *treasonable duty*, might well conceive the bright idea of a *republican* establishing *despotic* power. And as for the general's share in the mock heroic composition, it has appeared to me that there is a strong analogy between his warlike and his literary achievements. His campaign on the borders of the Sabine resembles most of the performances with which he hath enriched the literature of America. He wields his pen and his sword in the same style ;

THE CRO-
NONHOTONTHOLOGOS OF LETTERS AND OF WAR.

On the remaining part of the general's accusation, I request you will suspend your opinion. I think I have some claim to this indulgence. For during the period, now about three years, that I have resided among you, (engaged nearly the whole time in some public employment,) calumny breathed not against me until I had opposed and become the accuser of your oppressors. In the exercise of my judicial duties I have reason to hope that I have been honoured with your approbation. Upwards of six hundred suits have been brought before the court in which I presided: From its decisions there have been but very few appeals, and in every one of these which has been heard and determined, the judgment of the superior court has invariably confirmed mine. Permit me to remark also that I have a considerable share in forming the system of laws by which the territory is now governed; a system which, combining the excellencies of the Roman and the English—of the Castilian and the American codes, innovated boldly where personal liberty required a change, and preserved with scrupulous solicitude, in spite of the barbarous ignorance that opposed us, all your laws, customs and usages, not incompatible with the acts of congress or the principles of the federal constitution. Yes, gentlemen, we were opposed by ignorance and presumption at every step. The first legislative council, under whose auspices that system was formed, and who deserved great praise for their cautious wisdom, and for the firmness with which they resisted the strong prejudices of two opposite and obstinate parties, were frequently presented, (as the printed journal of their proceedings may have informed you,) with bills from governor Claiborne. These were all read twice, through respect for his excellency's office—but a paramount regard for the welfare of the public prevented the council from passing any one of them into a law; they were suffered to

sleep in peace and die in oblivion. Utterly inapplicable to our situation, they were not conformable nor even analogous to the principles of our code. The rejection of these proposed statutes was in a good measure owing to my urgent representations of their evil tendency, to the public in one very important case, (the licentious bill of divorce,) and in others, to the members of the legislative council. That honorable body had chosen me, on the recommendation of Dr. Watkins, as their secretary ; (an appointment for which governor Claiborne had proposed another gentleman ; and they also appointed me as they had done Edward Livingston and James Brown, Esqs. to assist them in draughting some important laws.) Congress, it is true, had ordained that one of our governor's duties (for the supposed performance of which we were obliged to pay him 5000 dollars per annum) was to enact laws for the territory, with the advice and consent of the legislative council ; but congress might as well have ordained that his excellency should speak French, or write English, or act with wisdom, or dignity, or courage.

Was it not then much better that the inhabitants should be put to the additional expense of a few thousand dollars by reason of his excellency's ignorance, than suffer their code to be mangled and deformed by him, and their property thus rendered uncertain and insecure ?

The sum allotted by the joint resolution of both branches of the legislature as the fee for the services of Mr. Livingston and Mr. Brown was 5000 dollars ; not one of which either of these gentlemen has ever received, nor were

they complimented with the thanks of the public, or even of the ungrateful authority which has derived so much unmerited credit from their able assistance. But can gratitude consist with low malice and abject pusillanimity ? He who abandons, betrays and persecutes his best friends must think very lightly of ordinary ingratitude. But the governor did not merely neglect to reward those by whose counsel he had benefited ; he actually assumed the credit of their works :—and, by an unparalleled union of effrontery and injustice, he endeavoured to convert them into an instrument of his malignity against one of their authors. In his speech to the legislative council, on proroguing them, July third, eighteen hundred and five, he remarks : “ To you, gentlemen, who have *participated with me the* “ *toil of legislating for a territory, situated as this has been,* “ where a general innovation throughout the whole system of government, presented a variety of legislative “ objects that required the exercise of a *more than ordinary* “ *share of talent and discretion* ; where prejudice and “ former habits presented impediments to that progress “ of improvement, which experience had suggested and “ reason sanctioned, and above all, where party spirit, “ lighted up *by restless, and occasionally by unprincipled am-* “ *bition,* was too successful in producing distrust and in- “ quietude ; permit me to say that to citizens who neither “ influenced by any wayward impulse of the moment, or “ awed by the difficulties in view, attended with fidelity “ and remained with firmness at the post assigned them by “ their country, a great debt of gratitude is due,” &c. His excellency, not content with a general eulogium on those admirable legislative labours of his, in which he allows the council the honour of having merely participated, specifies some of the acts for which he claims a more particular commendation.

“ I now come to the period at which *your labours com-*
menced, and permit me to assure you of *my great admi-*
ration of the judgment you have manifested in selecting
 “ proper objects of legislation. Your *code of criminal law,*
exhibiting a system at the same time mild and energetic ;
the judicious innovations which you have occasionally made
in the municipal arrangements of the country ; the wise acts
you have passed for the convenience, encouragement and
protection of commerce, as well as for the internal improve-
ment of the territory : and ABOVE ALL the laudable pro-
 “ vision you have made for the introduction of science and li-
 “ terature, and for the education of the rising generation, will
 “ remain lasting testimonies of your abilities, discretion, and
 “ real patriotism.”

There is not perhaps extant such a monument of impudence, vanity and falsehood, as the speech from which those extracts are taken. The code of criminal law, claimed by his excellency, was drawn by me. For the judicious innovations made in our municipal arrangements, you are indebted chiefly to Mr. Livingston, Mr. Brown and Doctor Watkins. The first of these gentlemen drew the county court law—Mr. Brown is the author of the act regulating the practice of the superior court, and Mr. Livingston and Doctor Watkins, jointly, drew the bill for incorporating the city of New-Orleans. Two bills for improving the inland navigation of the Territory were drawn by Mr. Livingston. Some objections having been made to them, they were considerably altered, and united into one act by me, at the desire and conformably to the instructions of Mr. George Pollock, a member of the council, to whose perseverance and activity the passing of that act was chiefly due. The other bills, which the governor considers so eminently excellent, namely, the acts for establishing a college, public

schools and libraries, came from my pen. Indeed, his excellency has done me the honour to adopt one of those humble legislative performances with an ardent, parental affection. The law to institute a university in this territory, has been published in several of the newspapers of the United States with high encomiums on the production itself, and great compliments to the supposed author for his solicitude for the education of youth. You may suppose, perhaps, that these bills were written privately for the governor by their respective authors—No such thing, gentlemen; their origin was a matter of notoriety. They were almost all drawn at the desire, publicly expressed, of the council or some of its members; a fact generally known here to those who inquire into such concerns.—Nay, incredible as it may seem, his excellency himself had approved an act allowing me a recompense for draughting the very laws, the merit of which he so modestly claimed. But his pretensions shall not be allowed. The poor daw may continue to wear and display the feathers which have been charitably *given* to him to clothe his unfledged, miserable form, but he shall not *steal* the plumes which others have appropriated for their own use or ornament.

Inquire too, gentlemen, when you hear any man's conduct condemned, who are his accusers, what their character; their motives, their interest in supporting the accusation? How stands their account with fidelity and truth? Are they as hostile to veracity, as she is to them?

But gentlemen, if desirous of removing from your minds unfavourable prepossessions respecting individual character, much more anxious am I that the constitution of our government may not, from what has passed here, be depreciated in your esteem. The enemies of the United

States and of civil liberty have availed themselves of these apparently inauspicious events, to insinuate that we have no constitution, and that the laws which can be set aside and trampled upon by such a person as general Wilkinson are of no value. Much industry, I fear, has been used to give currency to these suggestions. Libels inculcating them have been openly published in your streets. Persons (to adopt the majestic phraseology which our *Roi de Cocagne* has been lately commanded to assume) high in office, if not in character, talent or understanding, insist on the great inconveniences of the trial by jury, and of public tribunals; nay, *they* have gone so far as to propose destroying in some measure, by the mockery of law, the most valuable privilege secured to us by our constitution. *They* have discovered that the *habeas corpus* is a nuisance; the possible instrument of *rescuing* those who, in the vile jargon of imbecility and ignorance may be charged to fulfil some *treasonable duty*. Gentlemen, let not all this treachery, or folly alarm you. The law is not dead, but sleepeth: The constitution is eclipsed indeed, but the dark bodies of hideous and ill omened form, which have intercepted its light and deprived us of its genial influence, will soon pass away; and we shall again behold the glorious luminary shining forth in all its original splendour.

My reasons for entertaining sanguine hopes of the restoration of our rights, and of security against future usurpation, are given in my letter of the 25th of January, 1807, to the then nominal governor of this territory.

Even during the late alarming period, circumstances have taken place, which demonstrate that our judicial institutions possess an essential purity and energy that despotism itself cannot wholly destroy. Of the number of

your fellow-citizens who were denounced as conspirators against the peace of their country, some have been brought to trial, against whom the utmost efforts and influence of power were employed. What was the consequence ? Did you see the accused abandoned to the rage of their enemies ? No. The brightest talents shone in their defence. A lawyer, the ornament of his profession and of his country, stepped forth for their protection ; a man whose intrepid and high minded integrity stood far aloof from the degeneracy of the day, and defied the outrages of usurping power, the malice of dastard enmity, and, more hateful than these, the poisoned shafts of slander. In fine, the accused were acquitted by a jury of their country ; whose verdict evidenced their own courage as well as the innocence of those whom they had in charge. Far then from suffering ourselves to be discouraged by the late temporary usurpation, let us endeavour to educe some good from the evil which cannot now be prevented or diminished. Our cause requires action not lamentation. What we have suffered will convince the general government that some change is necessary for our safety ; and I feel confident that they will meliorate our condition, if it be represented to them justly, and illustrated with those lights which eloquence can throw upon truth.

I have the honour to be, gentlemen,

Your faithful and obedient servant,

JAMES WORKMAN.

New-Orleans, March 28th, 1807.

COPIES AND ABSTRACTS

OF CERTAIN

LETTERS AND OFFICIAL DOCUMENTS.



No. I.

New-Orleans, January 18, 1807.

To the honourable the house of representatives of the territory of Orleans.

GENTLEMEN,

HAVING lately adopted the unusual measure of adjourning the court of the county of Orleans, *sine die*, I feel it a duty incumbent on me to justify myself on the occasion to your honourable body, and to enable you without delay, as far as lies in my power, to take such steps as your wisdom may deem requisite for our relief in the extraordinary and painful situation to which we are reduced. The documents herewith transmitted will inform you of the illegal arrest and transportation of certain persons by the authority of *brigadier general Wilkinson*; the proceedings which have been had in consequence; my unsuccessful applications to his excellency governor Claiborne for support; and the reasons which induced me to decline

holding a court, whose authority and dignity I had not the means to maintain.

I have the honour to be, gentlemen,

With sentiments of profound respect,

Your most obedient and most humble servant,

JAMES WORKMAN.



No. II.

New-Orleans, January 5th, 1807.

To his Excellency Governor Claiborne.

SIR—The late extraordinary events which have taken place in this territory, have led to a circumstance that now authorises me to renew to your excellency, in a formal official manner, the earnest request I have so frequently urged in conversation, that you would make use of the constitutional force placed under your command, to maintain the laws of your country, and protect its citizens against the unexampled tyranny exercised over them.

It is notorious that the commander in chief of the military force here, has, by his own authority, arrested several citizens for civil offences. He has avowed on record that he had adopted measures to send them out of the territory; he has openly declared his determination to usurp the functions of the judiciary, by making himself the only judge of the guilt of those whom he shall suspect, and he has in the same manner asserted, as yet without contradiction, that his measures were taken after several consultations with your excellency.

Writs of *habeas corpus* have been issued from my court. On one of them Peter V. Ogden was brought before me and discharged. He was however again arrested soon after by order of general Wilkinson, together with an officer of this court, who had aided professionally in procuring Mr. Ogden's release. The general in his return to subsequent writs of *habeas corpus*, issued by me in their behalf, referred me to a return made by him to the superior court; and in the further return which I ordered him to make, he has declared that neither of those persons was in his power, possession or custody: But he does not assert, what is requisite in such cases in order to exempt from the penalty of a contempt of court, that these persons were not in his power, possession or custody at the time when the writs were served. In consequence of this deficiency I am called upon to issue an attachment against him.

Although a common cause would not require the step I am now taking, yet I deem it my duty, before any decisive measures are pursued against a man who has all the regular force, and in pursuance of your public orders, a great part of that of the territory at his disposal, to ask your excellency whether you have the ability to enforce the decrees of the court in which I preside, and if you have, whether you shall deem it expedient to do it in the present instance; or whether the allegation that you support these violent and unlawful measures, is well founded?

Not only the conduct and power of general Wilkinson, but various circumstances peculiar to our present situation—the alarm excited in the public mind—the description and character of a large portion of the population of this county, might render it dangerous in the highest degree to adopt the measure usual in ordinary cases of calling to the aid of the sheriff the

posse committatus, unless it were done with the assurance of being supported by your excellency in an efficient manner.

I pray your excellency to give a precise and speedy answer to my inquiries. Should I be assured of your support, I shall forthwith punish as the law directs, the contempt that has been offered to my court: On the other hand, if your excellency shall not think it practicable or proper to afford your aid, I shall not expose that court and its officers to the further contempt or insults of a man whom they are unable to punish or resist.

I have the honour to be

Your excellency's most obedient,

And most humble servant,

JAMES WORKMAN,

Judge of the county of Orleans.

Compared and found conformable to the original letter transmitted to governor Claiborne, by Geo. T. Ross, sheriff of the county.

GEO. T. ROSS:



No. III.

Copy of an affidavit of Judge Workman.

I, JAMES WORKMAN, Judge of the county of Orleans, and of the court of probates of the territory of Orleans, do declare, that some time after the arrest of Dr. Bollman, Messrs. Ogden and Swartwout, by the order, as declarant was informed, of brigadier general James Wilkinson, this declarant waited on governor Claiborne, and asked if he

had consented to these proceedings.—Governor Claiborne replied that he had assented to the arrest of Dr. Bollman only, and that as to the propriety of the arrest of the others his mind was not made up. This deponent then represented the illegality and evil tendency of such measures, and besought the governor not to permit them, but to use his authority, as the constitutional guardian of his fellow-citizens, to protect them in their rights. The governor remarked that he had not the authority to liberate those persons, but that it was for the judiciary to do it if they thought fit. Thereupon this declarant said, he had heard that a writ of *habeas corpus* had been or would be issued by the superior court to bring Dr. Bollman before them ; that he had also heard that general Wilkinson intended to send the persons he had arrested out of the territory, and that if this was not prevented the writ of *habeas corpus* would be nugatory.—Declarant said he considered it to be the duty of the governor in such a case not only to enforce obedience to the judiciary, but to protect the citizens in the first instance ; and prevent them from being sent away in such a manner, and placed possibly out of the power of their country, or the reach of justice. And this declarant further saith, that soon after he had issued a writ of *habeas corpus*, in the case of Peter V. Ogden, this declarant again waited on the governor, and urged him as before to interpose his authority, to prevent the laws from being violated or rendered of no avail : This declarant stated his apprehensions that the persons arrested might be taken to the Moro Castle, unless the governor would protect them.—The governor on this occasion replied, that he was convinced general Wilkinson's intentions were patriotic, and that the prisoners would be carried to the United States and not as this deponent feared, to the Havanna.—And this deponent further states, that afterwards when Mr. Ogden and

been arrested the second time, together with Mr. Alexander, this declarant again applied to the governor on the subject, repeated his former observations, and recommended that general Wilkinson should be opposed by force of arms.—He stated further, that the violent measures of that officer had produced great discontent, alarm and agitation in the public mind: And that unless such proceedings were effectually opposed, all confidence in the government would be at an end. Declarant then urged the governor to revoke the order by which he had placed the battalion of Orleans volunteers under general Wilkinson's command; and to call out and arm the rest of the militia force, as speedily as possible.—Declarant stated it as his opinion that the army would not oppose the civil power, when constitutionally brought forth; or that if they did the governor might soon have men enough to render such opposition ineffectual. Declarant added, that from the laudable conduct of commodore Shaw and lieutenant Jones, respecting Mr. Ogden, declarant not only did not apprehend any resistance to the civil authority from the navy, but thought it might be relied on for aid in case of necessity. And the declarant further states, that he did afterwards, at various times, and previous to the fifth of this instant, January, in presence of judge Hall and judge Matthews, urge the governor as before to revoke the order above mentioned, and assemble, arm, and call out the militia to defend the country, enforce its laws, and protect its inhabitants against tyranny. And this declarant hath also heard judge Hall and judge Matthews frequently call upon and urge the governor to the same effect.

James Workman, being duly sworn on the Holy Evangelist of Almighty God, doth depose and say, that the facts

set forth in the above statement are substantially true, to the best of this deponent's recollection and belief.

(Signed)

JAMES WORKMAN.

Sworn before me, this 13th day of
January, in the year of our Lord,
1807.

(Signed)

JOHN WATKINS,
Mayor of the city.



No. IV.

New-Orleans, January 12th, 1807.

To his excellency governor Claiborne.

SIR—Not having received any answer to my letter to your excellency of the 5th inst. and considering your silence on the subject of it as a proof, in addition to those that previously existed, that your excellency not only declines the performance of your duties as chief magistrate of this territory, but actually supports the lawless measures of its oppressor, I have adjourned the court of the county of Orleans, *sine die*.—And I took this step without granting the attachment sued for against general Wilkinson, for the reasons alluded to in my late communication. *Had this process issued, and the general, in pursuance of his menaces, made resistance, the sheriff would then have been authorised and required by law, independently of the court, to call the aid of the posse comitatus. The ruinous effects of that measure at this time—the confusion and destruction to which it would probably have led, in consequence of your excellency's refusal of your support, are obvious to every person*

acquainted with our present dreadful situation, and will fully justify my conduct in the opinion of every friend to the country. When your Excellency shall think proper to resume the legitimate authority which you have abdicated, and be disposed to exert it in support of the constitution and laws, I shall then (if in my present office) cheerfully resume the judicial duties which I am now unable to perform.

I have the honor to be

Your Excellency's most obedient
humble servant,

JAMES WORKMAN,
Judge of the County of Orleans.



No. V.

Affidavit of Lawrence Clark in the case of Peter V. Ogden.

County of Orleans, ss.

Personally before me, Lewis Kerr, one of the justices assigned to keep the peace in and for the said county, appeared Lawrence Clark of the same place, merchant, who being duly sworn, on his oath saith, that Peter V. Ogden, late of the city and state of New-York, merchant, and a native citizen of the United States, is now in confinement and imprisoned on board of the United States' bomb ketch *Ætna*, this deponent having there seen him in custody this day, which said ketch is now at anchor, and lying in the river Mississippi, opposite the city of New-Orleans, and within the limits of the said county, and that, as this deponent is informed and hath reason to believe, and doth verily believe, the said Ogden there remains in the immediate

custody of Lieutenant Jones, but under the command and controul, and within the power and subject to the orders of Captain John Shaw, of the United States' Navy, now in the said county being, and that as this deponent is advised and believes, the said Ogden is so detained without any lawful cause whatsoever.

(Signed)

LAWRENCE CLARK.

Subscribed and sworn at the City of
New-Orleans, this 16th of December,
A. D. 1806.

Before me,

(Signed)

LS. KERR,

Justice of Peace.

I certify the above to be a true copy from the original now
on file in my office.

THOS. S. KENNEDY, Clk.



No. VI.

Lewis Kerr's Affidavit in the case of Peter V. Ogden.

County of Orleans, sct.

Lewis Kerr, being duly sworn, saith, that the United States' bomb ketch, now in the port of New-Orleans, called, as this deponent is informed and believes, the Ætna, is at anchor in the river Mississippi, at a distance from the shore, in the stream, and ready for sea, and that as this deponent has been informed and believes, the said vessel is about to depart from this territory within a few hours, certain officers of the same having received, as this depo-

nent has been informed and believes, orders to hold themselves in readiness for such departure.

(Signed)

LS. KERR.

Subscribed and sworn at the city of
New-Orleans, this 16th day of De-
cember, A. D. 1806,

Before me,

(Signed)

JAMES WORKMAN.

I certify the above to be a true copy from the original on
file in my office.

THOS. S. KENNEDY, Clk.



[A writ of *habeas corpus*, dated Dec. 16th, 1806, and directed to capt. Shaw, commanding him to bring, without delay, the body of Peter V. Ogden, together with the day and cause of his detention before judge Workman.]

[A writ to the same effect and of the same date, directed to lieutenant Jones, and to whomsoever it may be that has or may have the command of the said vessel.]

[From the alarm and terror prevalent in this city, the deputy sheriff could procure no boat to take him on board the *Ætna*, to serve the above writ on the night when it was issued. The circumstance was made known early on the following morning to judge Workman, who thereupon directed the said deputy sheriff to procure a boat by the offer of a considerable sum of money, for the payment of which the judge undertook that the county would be responsible. The writ was served soon afterwards.]

No. VII.

*Return in the case of Peter V. Ogden, made by Captain Shaw
and Lieutenant Jones.*

At the Chambers of James Workman, Esq. Judge of the
County of Orleans,

December 17th, A. D. 1806—at 5 o'clock in the evening.

Lieutenant Jones, commandant of the United States' bomb ketch *Ætna*, brought up the body of Peter V. Ogden, before the said judge in pursuance of a writ of *habeas corpus* to him lieutenant Jones directed for that purpose.

And for return to the said writ, the said lieutenant Jones declared that he had detained in his custody the said Ogden by virtue of an order to that effect from his commanding officer, captain Shaw, who, he understood, had taken the said Ogden into his custody in consequence of an order from general James Wilkinson. And lieutenant Jones further declared that he knew of no charge against the said Ogden. Wherefore, no cause being shown for the imprisonment of the said Peter V. Ogden, the said judge ordered him to be discharged.

I certify that the above statement made by captain J. Jones, in the case of Mr. Ogden, is correct to the best of my knowledge.

(Signed)

JOHN SHAW,
Commanding the United States' naval forces at
New-Orleans.

No. VIII.

Copy of the order of Captain Shaw, referred to by Lieutenant Jones.

New-Orleans, December 14, 1806,

Lt. Comdt. J. Jones,

SIR,

I enclose a copy of an order which I received, and from which I have been compelled to act. It is demanded of me to place on board the *Ætna*, under your command, Mr. Ogden and Mr. Swartwout, and there to be kept under guard until further orders. You are by no means to permit any letters to pass or repass from them, and you are to deny the visits of their friends on board you.

You are to furnish your table with all the necessaries they may want, for which the government will pay you.

I am, Sir, your's, &c.

(Signed)

JOHN SHAW.

P. S. The moment the civil law was put in force I had the honor to give up Mr. Ogden to the hon. judge Workman.

(Signed)

JOHN SHAW.

No. IX.

*Affidavit of John Williamson in the case of Peter V. Ogden
and James Alexander.*

County of Orleans, sct.

Before me, James Workman, judge of the county of Orleans, personally appeared John Williamson, who being duly sworn, deposeth and saith, that he saw Peter V. Ogden, and James Alexander, in the custody of captain Ebenezer Bradish, of the troop of cavalry at present employed in the United States' army under the command of brigadier general James Wilkinson, by whom they were arrested, and that he verily believes they are detained against their free will and consent, and that neither the said Peter V. Ogden, nor James Alexander, are of the army or navy of the United States.

New-Orleans, 19th December, 1806.

(Signed)

JN. WILLIAMSON.

Sworn before me this 19th day of
December, 1806.

(Signed)

JAMES WORKMAN,

Judge of the county of Orleans.



[A writ of *habeas corpus* directed to brigadier general James Wilkinson, and captain Bradish, commanding them to bring, without delay, the bodies of James Alexander and Peter V. Ogden, together with the day and cause of their detention, before judge Workman.]

NO. X.

Certificate relative to the application of Mr. Livingston for a writ of habeas corpus, in the case of James Alexander and Peter V. Ogden.

On the application for the allowance of the above writ, it was stated by Mr. Livingston, who applied for the same, that unless the same was instantly allowed the persons would be removed beyond the reach of the process of this court—whereupon the same was allowed returnable without delay.

(Signed)

JAMES WORKMAN.

(Signed)

JA : WILKINSON.



NO. XI.

General Wilkinson's first return.

General Wilkinson requests the honourable judge Workman may have the goodness to receive the general's answer to the superior court of the territory in the case of the traitor Bollman, as applicable to the traitors who are the subjects of this writ.



On motion of Mr. Livingston, ordered, that general James Wilkinson, to whom a writ of *habeas corpus* was directed, commanding him to bring up the bodies of James Alexander and Peter V. Ogden, make a further and more

explicit return thereto, or show cause on Monday next, at the opening of the court, why an attachment should not issue against him.



NO. XII.

*Further return of General Wilkinson, in the case of
Peter V. Ogden.*

The undersigned, commanding the armies of the United States, has taken upon himself the responsibility of arresting Peter V. Ogden, on a charge of misprision of treason against the government and laws of the United States, and has the honour to inform the honourable James Workman, judge of the county of Orleans, that the body of the said Peter V. Ogden is not in his power, possession or custody.

New-Orleans, December 26th, 1806.

(Signed)

JA : WILKINSON.

On this return Mr. Livingston moved that an attachment do issue against brigadier general James Wilkinson.

(Signed)

THOMAS S. KENNEDY,
Clerk of the Orleans County Court.



[The same return and the same motion were made in the case of Mr. Alexander.]

No. XIII.

Copy of Geo. T. Ross's affidavit respecting general Wilkinson.

George T. Ross, sheriff of the county of Orleans, being duly sworn, deposeth and saith, that on the occasion of serving a rule of the court of the county of Orleans, on brigadier general James Wilkinson, the said general observed, that if he, this deponent, came again, he need not be surprised if admittance was refused him. This deponent then asked, if the remark applied to his coming as a private gentleman, or his coming in discharge of his duty as sheriff, to which the said general replied, that the remark applied only to his coming in his official character.

(Signed)

GEO. T. ROSS,
Sheriff of Orleans.

New-Orleans, January 11th, 1807.

Sworn before me, the 11th day
of January, in the year of
our Lord, 1807.

(Signed)

JAMES WORKMAN,
Judge of the county of Orleans.



NO. XIV.

*Copy of Geo. T. Ross's affidavit respecting the delivery of
Judge Workman's letter.*

George T. Ross, sheriff of the county of Orleans, being duly sworn, maketh oath and saith, that he did on the fifth

day of this instant, January, deliver to his excellency, governor Claiborne, a letter from James Workman, judge of the county of Orleans, of which letter this deponent has now in his possession an attested copy, carefully compared by this deponent with the original, and found conformable thereto.

(Signed)

GEO. T. ROSS,
Sheriff Orleans county.

New-Orleans, January 11th, 1807.

Sworn before me this 11th day of
January, one thousand eight
hundred and seven,

(Signed)

JAMES WORKMAN,
Judge of the county of Orleans.



NO. XV.

The following is the return referred to by General Wilkinson. [NO XI.]

The undersigned, commanding the army of the United States, takes on himself all responsibility for the arrest of Erick Bollman, on a charge of misprision of treason against the government and laws of the United States, and has adopted measures for his safe delivery to the executive of the United States. It was after several consultations with the governor and two of the judges of this territory, that the undersigned has hazarded this step for the national safety, menaced to its base by a lawless band of traitors, associated under Aaron Burr, whose accomplices

are extended from New-York to this city. No man holds in higher reverence the civil institutions of his country than the undersigned, and it is to maintain and perpetuate the holy attributes of the constitution against the uplifted hand of violence, that he has interposed the force of arms in a moment of extreme peril, to seize upon Bollman, *as he will upon all others, without regard to standing or station*, against whom satisfactory proof may arise of a participation in the lawless combination.

(Signed)

JAMES WILKINSON.



No. XIV.

New-Orleans, January 25, 1807.

To his Excellency Governor Claiborne.

SIR—Although your excellency has not deigned to favour me with any answer to my late communications, I still deem it right to use every effort in my power, and to press, with the respectfulness due to one who has been honoured with the confidence of the president and senate of the United States, every argument and consideration that may recall you to a sense of your duty, and restore you to the situation from which you have been so shamefully deposed.

The tyrannical acts of gen. Wilkinson, of which I have so often and so vainly complained to your excellency, have already produced an effect beyond even what I had anticipated; they have in a great measure blasted the hope which the Louisianians began to entertain of the permanent

freedom and prosperity of their country ; the terror which they have inspired is visible throughout the city, in every countenance. Apprehension and suspicion have taken place of the fearless confidence by which our society was distinguished. Is not the continuance of such a state of things calculated to produce great discontent, if not disaffection ? Can we expect to be defended strenuously by those who are deprived of almost every thing worth defending ? Let us not conceal from ourselves our real situation. Your excellency is reduced to a cypher in the territory which, according to law, you ought to govern. In a word, the country is subdued : The conqueror has established over its vanquished inhabitants a severer despotism than the harshest laws would authorise ; and the worst is that your excellency surrendered at discretion without a struggle or an effort. You struck your colours before a gun was fired or a sword drawn. You cried out *craven*, before you received a blow. And this at the summons of an officer commanding five or six hundred troops, when you had, as your excellency yourself hath informed us, five thousand militia under your immediate command.

What the real object of general Wilkinson's measures may be, I cannot undertake to assert ; but in my opinion, they have a tendency highly injurious to the government and interests of the United States. Of what value, may it be asked, is our constitution, if such a man can violate at pleasure and with impunity, every privilege which it holds sacred ? If acting at once as prosecutor, witness, judge and executioner, he can imprison and transport, we know not why nor whither, whomsoever he may think fit to suspect ! Measures like these have preceded the downfall of every republican government. It has been the practice of those successful usurpers who have established despotic

power on the ruin of free states, to endeavour to persuade the people that the existing system is inadequate to their protection; these men generally seize on some popular pretext for spreading alarm, and when they have thrown every thing into confusion, they suggest the necessity of a change of government for the restoration of order.—Your excellency will remember that when Bonaparte had turned the council of 500 out of doors, and treated the directory and the other constituted authorities of the French republic with as little ceremony as general Wilkinson has shown towards your excellency and the judges, the more moderate tyranny which he soon afterwards established was endured with satisfaction. The outrages which he himself had committed, were urged by his partizans as a reason against the re-establishment of the system which he had so easily overthrown. And may not we in like manner be asked if we wish again for a constitution, which a few dragoons have trampled upon? for governors who abandon those whom they are bound by every tie of duty and honour to protect? for writs of *habeas corpus*, which serve only to cause those who are the objects of them, to be more speedily transported?

To these unsound, but specious suggestions, I should answer, that the suspension of our laws is but for a moment; that similar evils have been experienced in every free state, (especially in the provinces and territories remote from the seat of government,) without producing the subversion of their freedom; that many ages may pass away before such a combination of men and circumstances as have occasioned our present misfortunes, can again occur; and that every year will increase the number of freemen in our neighbourhood, and facilitate the communication with our protectors in the United States. In fact, the present interruption in the enjoyment of our rights,

may operate as a temporary fit of sickness on a careless man, of a good constitution, to make him more sensible of the invaluable blessing of health, and more anxious and solicitous for its preservation.

The evil of the tyranny in question cannot be duly estimated by the number of its victims. When the personal rights of any individual are violated with impunity, those of every member of the state become insecure. From that moment the proud confidence, the manly, liberal, upright self-possession which government by law inspires, must yield to the degrading sentiment of dependence and subjection.

The people of Louisiana have been often assured by your excellency, that they were free, and that freedom would be the perpetual inheritance of their posterity. If you wish them to give any credit to the prediction, restore their rights without a moment's delay. Their doubts on this subject are continually increasing. When we talk to them of American laws and liberty, they already begin to shrug up their shoulders, and cry out Claiborne ! Claiborne ! That name, sir, will long be remembered : believe me that every effort in your power is requisite to prevent it from being immortalized by the curses of Louisiana. God grant that the cradle of her freedom may not, through your means, become its grave !

State necessity is made, as usual, the pretext for these violations.—But never, sir, was there a country which less than ours afforded a justification for violent and irregular proceedings. In no part of the world were the laws more easily executed, or the magistrates more readily obeyed. Of the militia, some time ago drafted by your excellency

for actual service, not a man, I am told, refused to march. Why then those unlawful arrests? why are the accused transported from the place where, if guilty, they ought to be tried and punished? It is said that the offences of some of them are bailable, and that it would be highly dangerous to set them free. Are we then in such a deplorable condition as that the force or counsel of four or five men can endanger our safety? I sincerely believe not; but if these persons were indeed formidable, can any danger to be apprehended from them, be put in competition with the danger of violating all the rights of the public? Shall we outlaw the whole community, at the very moment we call upon them to maintain the laws? Shall we reduce every man to the condition of a slave, holding life and liberty at the pleasure of general Wilkinson, when we ought to nerve every arm, and inspire every soul with enthusiasm, in defence of our free constitution?

No measures like these were ever adopted during the war of the revolution, although it continued through a period in which calamity and danger were experienced in almost every degree and vicissitude; and when the American people had to encounter not only a formidable public enemy, but a more dangerous secret foe.

The violator of our laws defends his conduct, it seems, on the ground of extraordinary patriotism; a zeal unusually ardent for the good of his country. It seldom happens that great public offences are committed without a similar pretence. It was my misfortune to reside in Paris, during the worst period of the French revolution; and I perfectly recollect that every abominable proposition made there at that time, was founded on a supposed excess of patriotism. The miscreants whose hands were yet red

with the blood of the innocent ; the detestable tyrants who transported, (but not without some form of trial, the mockery at least, of justice,) those who dared to resist oppression, declared that they had no other object in view than to *insure the national safety, to maintain the constitution inviolate, and perpetuate*, what their impious hypocrisy stiled, *the holy rights of man*.*

Business of an important nature compels me to postpone the further observations which I have to make on this subject.

I have the honor to be

Your Excellency's most obedient

And most humble servant,

JAMES WORKMAN,
Judge of the County of Orleans.



No. XVII.

New-Orleans, February 11th, 1807.

To his Excellency Governor Claiborne.

SIR—I beg leave to resume the admonitions respecting your excellency's conduct, which my official situation not only authorises but requires me to continue.

The responsibility for the late unlawful measures is claimed exclusively by general Wilkinson ; but notwithstanding

* See gen. Wilkinson's return to the writ of habeas corpus.

ing his generous intentions towards you, I apprehend your excellency is entitled to a full share of the blame of all that has been done. You admit that you assented to the illegal arrest of Doctor Bollman, and it is evident, that without your permission, or inactivity at least, none of the other gentlemen arrested in like manner, could have been detained or transported. In my opinion your excellency has incurred a severer and more degrading responsibility, in withholding your aid from those whom you were able and were bound to protect, than if you had assisted personally in the violation of their rights. Suppose a watchman were required to defend an inhabitant against robbers, and that instead of going to the sufferer's assistance, he remained inactive and trembling in his centry box : would it be any excuse for him to say that he had no hand in the depredation which his pusillanimous dereliction of duty alone permitted ? And instead of aiding the person whom he was paid and had sworn to protect, he should cry out, (appealing like your excellency to the judicial power,) "*I can do nothing for you without an order from the justice*"—what epithets would you bestow on his conduct ? I shall not mention them, because I fear they would apply to your own.

The responsibility for most of the unlawful arrests seems directly fixed upon you, inasmuch as they were executed by the volunteers of the Orleans battalion ; who, however they might be liable to be commanded, if sent out as a reinforcement to the army, were, or ought to have been, under your orders, while you continued in the exercise of your office, in the place where they were stationed. Whatever general Wilkinson may think fit to demand, or your excellency be disposed to surrender, the congress have

ordained that the governor of this territory, for the time being, shall be commander in chief of the militia.

The great object of the militia establishment is to maintain the independence of the nation, without endangering its liberty. Standing armies have generally proved the best defence against a foreign enemy; but they have so often become the instruments of usurpation, that it has been doubted whether, in a free state, the advantage attending them is not overbalanced by the danger. The legislature of the United States have endeavoured to combine both those establishments so as at once to secure the country against external and domestic foes; and for this purpose the regular and militia forces are placed, generally, under distinct commanders.

The events of a few weeks past have shown better than volumes could explain, the nature and use of the militia. One of the first acts of gen. Wilkinson, previous to his extraordinary measures, was to obtain from you the only militia regiment in this part of the territory then fit for service.—From the moment you abdicated the command of that corps, the general became your excellency's and our master. His will was then the law, and his sword the minister of its decisions.—Most of his violent measures were executed by his new auxiliaries. They were directed unlawfully to drag to prison (a prison, for aught they knew, the vestibule of the grave) those whom every honourable motive inclined them to protect. It seemed as if the general wished to exempt his own troops, and fix upon your's as much as possible of the odium of his own and your misconduct.

If the governors of other states and territories were in this manner, and for a like purpose, to relinquish the military trust confided to them by their country, what would its freedom be worth? Just as much as the writ of *habeas corpus*, under your excellency's auspices, during the last six weeks of your excellency's administration.

General Wilkinson's measures appear to me particularly injurious to the United States, in the present perilous situation of the civilized world. From the late European intelligence, it is doubtful whether Great Britain can persevere much longer in a contest in which she hazards not merely her empire, but her existence. If she concludes a peace with France, its consequences to this territory, and indeed to the whole American union, cannot, I think, be contemplated without great anxiety. It is then, at this conjuncture, when large standing armies may be requisite for our defence, that general Wilkinson, aided by your excellency's humble alliance, will have rendered the very name of a standing army odious to the American people.

On comparing your responsibility with that which general Wilkinson has incurred, I should greatly prefer his risk to yours. Imbecility in those who govern, is much more dangerous than oppression. It was not the tyranny of Louis XIV. but the feebleness of his irresolute descendant, that drew upon France the successive calamities of anarchy and despotism. The characteristic of gen. Wilkinson's late conduct is audacity; that of your excellency's, submission. It would have been far better if you had decidedly avowed and maintained, or boldly opposed his proceedings. In taking a wavering, middle course you have offended both the friends and the enemies of the constitution.

The responsibility for the unlawful transportations may eventually be such as you will shudder to learn. Suppose that any of the gentlemen who, with your aid or acquiescence, have been seized to be sent, as it is said, to some of the northern states, should be intercepted on the passage, and murdered? What degree of felonious homicide would those persons be guilty of, who had perpetrated or permitted the original outrage, which led to the murder? Do not allege that you never imagined such a horrible result. My reasons for apprehending it have been frequently communicated to you. The Americans, sir, are slow to wrath; but a crime of this nature would, I am persuaded, rouse the whole nation into fury, and impel them to take a dreadful and exemplary vengeance on all concerned or implicated in the atrocious guilt. God grant that the measures against which I have so often warned you, may not bring your excellency to the scaffold.

Illegal arrests by military authority have sometimes taken place in the United States, as well as in other countries; but this transportation of American citizens accused of designs hostile to the Spanish government, in private, unarmed vessels which must pass by a Spanish fortress, under whose guns, force, treachery or accident, may place them, will distinguish (and I hope without a parallel) your administration in the annals of America.

That there are cases of extreme necessity which require an extraordinary vigour in government, I am free to admit—but this necessity should be clear, evident, palpable; as if Hannibal or Cataline were at the gates; if actual insurrection raged throughout the land, and that the rebels were so numerous as to overpower or overawe the constituted authorities of the state. But if such were our situ-

ation, the general has not gone far enough. Instead of a vain, vexatious contest, between the civil and military authorities, he should have required your excellency to shut up the tribunals and send forth his trumpets and proclaim martial law.

But when has gen. Wilkinson proved the necessity by which alone such measures could be justified? Never, I believe: for although he has *becyphered* the superior court and the house of representatives, for hours together, he has communicated, I am told, but little more concerning the alleged plots of disunion and separation, than was made public a month ago, in the letter to your excellency from your Tennessee friend, (in which letter, by the way, you were specially warned to beware of the very man to whom you have since surrendered yourself and your government.)

Of col. Burr's meditated expedition against Mexico, the proclamation and instructions of the president of the United States afford undoubtedly sufficient evidence, for the purposes of precaution. Let then, sir, that proclamation and those instructions be your guide. I know that the exalted magistrate from whom they proceed, does not direct you to transport unlawfully, the inhabitants of this district, to prevent the possible breach of a positive law. I feel confident that he will never approve of your destroying the sacred rights of American citizens, in order to preserve the dominions of his catholic majesty: I firmly believe he would rather see col. Burr conquer all the kingdoms and provinces of Spanish America, (horrible as that event may appear to the traitors pensioned by the Spanish

government,) than witness the recent scandalous violations of the constitution of his beloved country.

But to return to the main object of my letter, the restoration of your excellency's legitimate power. The late imprisonment by general Wilkinson of col. Kerr, while under a military arrest by your orders, and a prisoner on parole in your custody, should awaken you to a sense of your real depressed situation. You endeavoured, I am told, to obtain his immediate relief; but as if the general were determined to mortify your excellency, he did not liberate that gentleman 'til judge Hall commanded it in the name of the United States.

In the course of these communications I may have said disagreeable things. The firm physician is sometimes obliged to use strong and painful stimulants, and even, in cases of dangerous lethargy, to scourge his patient into animation. My sincere wish on this occasion is to rouse you from your death-like torpor; to make you become a real, efficient governor, the assertor and protector of your country's rights; and not a mock magistrate, such as the unfortunate lunatic who parades our streets with feathers in his hat, and other vain emblems of imaginary authority, stiling himself the emperor of Louisiana.

Resume then at once, sir, your office. Take every requisite measure for defending the territory and its people's rights. Protect those who are not yet transported beyond its limits: counteract the menaces of general Wilkinson, by a solemn proclamation, assuring to your fellow-citizens the protection of the law: in a word, make, before it is too late, one bold, strenuous effort to retrieve your prostrate

character, and restore this part of Louisiana to its former tranquillity and freedom.

I have the honour to be,

Your excellency's most obedient,

And most humble servant,

(Signed)

JAMES WORKMAN,

Judge of the county of Orleans.



ON the 14th of January Judge Workman was arrested by the order of gen. Wilkinson, and conducted to headquarters, from which he was released the following day by a writ of *habeas corpus*.}

On the 23d of February, judge Workman resigned his offices, finding that he could not, either by solicitation, remonstrance, or just reproach, induce governor Claiborne to support him in bringing general Wilkinson to condign punishment.

On the 4th of March Mr. Workman was tried before the U. S. court for the Orleans district, on a charge of high misdemeanor, in setting on foot a military expedition against the Spanish provinces of Florida and Mexico.—When the counsel for the prosecution had gone through their case, the traverser left it to the jury, without adducing any evidence, or offering any observation in his defence. The jury retired, and immediately found a verdict of NOT GUILTY.

*The following is the Letter concerning the
Bill of Divorce alluded to in page 113.*



TO THE LEGISLATIVE COUNCIL OF THE TERRI-
TORY OF ORLEANS.

GENTLEMEN,

IN the discourse delivered by your president, at the opening of the session, he invited his fellow-citizens to aid you with their advice. He knows that laws should not only be conformable to the immutable principles of eternal justice, but adapted to the customs, the opinions, and even in some instances to the prejudices of a people. It is also of importance, that the citizens should be consulted, as far as good order and existing establishments will permit, respecting the ordinances by which their conduct is to be guided or restrained. All men naturally desire to have some share in the management of their own concerns. They easily approve what they have suggested, and obey cheerfully what they approve.

It is to be regretted that in a city, containing so many persons well acquainted with the opinions, the manners, and the wants of the people; enlightened by study, improved by travel, and above all instructed by the terrible lessons of the French revolution, not one has yet obeyed your president's call. But however inferior I may be to

these gentlemen in knowledge, I shall not like them decline so honourable an invitation ; I shall communicate to you such remarks occasionally as the nature of the subjects offered for your consideration may suggest.

And for this purpose I conceive the channel of a public journal the best that can be made use of. What is well printed can be read with greater facility than the best executed manuscript ; and what is published to the world, as well as to you, will have this advantage, that as it may attract attention and excite observations, you will not only be enabled to appreciate the value of my suggestions, but to know how far they are discordant or in unison with public opinion.

A bill is now before you, (a copy of which has appeared in print,) concerning divorce and alimony ; and if it should pass, in its present form, I am persuaded that its consequences will be fatal to the happiness of the community. Divorces have been considered by every wise legislature, as a great evil, to be endured only when necessary. If we cannot always prevent, we should as much as possible restrain and discourage those separations of domestic ties, not only on account of the anguish they occasion to innocent families, but of the example, unfavorable to the reputation of the state of marriage, and injurious therefore to the public morals. Whoever wishes to promote marriage, that source of the preservation as well as of the happiness of the human race, should discourage divorce. In every civilized nation that has attained celebrity in the world, the state of marriage has been anxiously guarded by the laws. Unwilling that it should be regarded as a mere civil contract, they have ordained that it should be celebrated with solemn and religious rites.—

Each family, thus consecrated at its establishment, should be preserved from untimely dissolution with the same care as the state itself, of which it is the image and the support. It is of these domestic societies that a commonwealth is composed ; and its moral character, its permanence and its purity must depend upon theirs.

We live in an age when the bond of marriage has lost much of its force : when licentiousness has the sanction of fashion and the support of wit. It is at this time therefore the peculiar duty of the legislature to watch with solicitude over every thing by which morals may be affected ; especially the institution of marriage, the palladium that preserves what is yet sacred from pollution. If you destroy the connection between religion and matrimony, you reduce it at once to a business of equal importance with the freighting of a ship, or the hiring of a house ; a bargain to be made and dissolved at an hour's notice by a justice of the peace or a civil commandant.

Pause, gentlemen, before you meddle with so delicate a subject. Consider the ruinous effects produced in France by a law of divorce, in many respects similar to that now before you ; and remember *that you are legislating for a French people*, animated and impetuous in all their passions, and often incautious in their conduct and unmindful of its consequences. Be assured that if you weaken the tie of marriage, you will undermine and soon overthrow the strongest barrier against the inundation of moral turpitude poured forth from that foul but ever salient source of mischief, misery and abomination, the licentious and atheistical system, miscalled philosophy, which has already deluged the finest nations of Europe, and which menaces the whole world with moral destruction.

By the third section of the bill in question, it is declared,

“ That divorces from the bond of matrimony shall be decreed in cases where the parties are within the degrees, prohibited by law ; where either of the parties are naturally impotent, and in case of adultery in either of the parties ; and also for wilful, continual, and obstinate desertion for the term of four years, or for extreme cruelty in either of the parties.”

The first clause of this sentence is unnecessary ; for if the parties are within the prohibited degrees of kindred, the marriage from the beginning will have been null and void. The provision that follows would lead to proofs and discussions too offensive and impure for public inquiry, and which should never be examined before a public tribunal. By the succeeding paragraph there is given such a facility to obtain divorces, that from the instant it is in force, marriage will be degraded into a speculation of profit or convenience, and debased into a state of licensed concubinage. To ordain, as this clause imports, that adultery in a man is an offence of equal guilt, and as injurious to society, as adultery committed by a woman ; and to put the offender on the same footing with the innocent party, as to the power of contracting a future marriage, would be to decide differently from all wise laws, and in violation of all received opinions.

Such a law as this, although it might be agreeable to a few married harlots, by releasing them from some of the restraints to the gratification of their desires, would operate fatally against the happiness, the honor and the dignity of the virtuous part of the female sex. A worthy man di-

vorced from his wife, is by no means in the same unfortunate condition as a woman of honor divorced from her husband. Various physical and moral reasons, as well as the opinions and prejudices of society, support this position. Let us imagine the situation of a virtuous female, whose best years, and whose early charms had been given to a husband whom she thought deserving, on the solemn condition, and under the promise, made at the altar of God, that nothing but death should dissolve their union; let us also suppose (what it is to be regretted doth not violate probability) that this husband becomes disgusted or indifferent—that attracted by novelty, or seduced by artifice, he transfers his faithless vows to some unworthy object, and that he has had the felicity to live until this law shall have enabled him *to violate his oath and his engagements with impunity*: How is he to act? Let him *commit adultery*; let him bring his concubine to his wife's bed; let him *treat her with cruelty*, and then we may safely predict that her feelings, her honest pride will urge her to demand a divorce. Her request is instantly granted; and she may soon have the additional satisfaction of knowing that her rival has become the wife of her late husband; of seeing a licensed aduress introduced into public society; and of finding in time that the bread of her children is given to feed the spawn of a strumpet. It is here proper to inform you that the persons in question could not be married before the Louisianian church: its altars are too sacred, its ministers too upright to suffer such abomination. Should the bill, therefore, pass into a law, it would be requisite, for the accommodation of such worthy persons, as might take the benefit of it, and desire to contract new matrimonial engagements, to establish, for the purpose of performing the requisite ceremonies, one or more offices, to be

styled *marriage brokers, marriage contractors*, or by some other new and suitable denomination.

But, no gentlemen, I am persuaded your feelings as fathers, as husbands, as honest and intelligent men, will never allow you to put to such an impious law *the seal of your approbation*. You will never consent to corrupt the manners, nor outrage the feeling, nor condemn the usages of the people of Louisiana. Disturb not then their domestic peace—violate not their hearths or their altars—destroy not the alliance which the good and the wise of every age and nation have endeavored to establish between sanctity and marriage—take not away from the most important of all moral obligations, the sanction of religion; and what its rites have bound, let nothing separate but its authority. Cases demanding separations, divorces *a mensa & thoro*, will unfortunately arise. Let the chief of the Louisianian church be authorised, as heretofore, to take cognizance of, and decide them according to the rules which our religion has established. Before such a tribunal all the public scandal and the dishonour of families, which the discussion of such causes in open court must occasion, would be entirely avoided. When that tribunal decides that there is ground for a separation, let every thing respecting alimony and the provison of children, in a word, every pecuniary question be determined by the superior court. And should any instances of particular and extraordinary hardship occur, calling for relief, beyond the power of the tribunal to bestow, reserve the decision of them to the legislature alone. Its wisdom may enable it to do justice, without wounding the feelings, violating the religion, or injuring the morals of the community.






PROPOSALS FOR PUBLISHING
A
DIGEST
OF THE
LAWS OF CASTILE
AND
THE SPANISH INDIES,
WITH THE
INSTITUTES OF THE ROMAN CODE
ON WHICH
THOSE LAWS ARE FOUNDED.


BY JAMES WORKMAN, ESQ.

*Counsellor at Law, late Judge of the County of Orleans,
and of the Court of Probates of the Territory of
Orleans.*



THE principal difficulty experienced in the administration of justice in Louisiana, since its cession to the United States, has arisen from this circumstance, that its most important laws could be found only in books written in languages with which few of our judges were thoroughly acquainted. To remedy this inconvenience is one of the objects of the proposed publication.

It is well known that when Spain took possession of this colony, the laws of Castile and the Indies were immedi-

ately introduced by a proclamation of general O'Reily, which was acted upon here, and considered valid by all the Spanish judicial authorities. Since we have held the province, its code has in some respects been altered. In the criminal part, it was rendered conformable to the laws of the United States, by two acts, which were drawn by the author of this work, at the request of the first legislative council of this territory. The nature of our government, and the particular ordinances of congress required this innovation in our criminal jurisprudence. But in civil concerns—in whatever related to property, contracts or obligations, the Castilian Code has undergone little alteration, further than was expedient to adapt it to the practice of our tribunals, and the mode of trial by jury. Should this system be preserved, it were needless to urge the utility of a work to explain and promulgate more generally its principles; and whatever further improvements it may require, a thorough knowledge of it in its present state will be indispensable to those who may undertake the task of correcting its errors or supplying its defects. If even a code altogether different should be adopted, an acquaintance with our present system will long be necessary, for the just determination of controversies arising out of engagements, formed or imposed by its authority.

It may not be unnecessary to inform some readers that the laws of Spain, like those of most of the nations of Europe, are derived from the Code and Pandects of Justinian. The discovery of his admirable Digest was regarded in the middle ages as a New Revelation. It brought to light a system of jurisprudence which, notwithstanding all its faults, was the best compilation then extant of written reason, applying the maxims of morality to the various and complicated affairs of human life. Many advantages at-

tended the rise and growth of the Roman Code : It was not like most others, the progeny of ignorance and superstition : It was the favoured offspring of civilization and science ; and it was matured by the care of many centuries, improved by the collected wisdom of various nations, exalted by philosophy and adorned by eloquence. If ancient Greece hath borne from all competitors the prize of literature and the finer arts, Rome stands unrivalled in legislation : as if they who could conquer, best knew how to govern the world.

This Code, however, like every thing of human origin, is far from being perfect. Equity itself, in all its decisions in civil causes, between those whom its regards as equals, too often breathes the spirit of the harsh and arbitrary government from which it sprung. The authority of that despotism was communicated in various degrees to a large portion of its subjects. The master in his household, and even the father among his children, were images of the prince on his throne, released from the obligations of the law ; and the whole female sex were held in a state of tutelage, impairing the freedom and dignity to which nature entitled them.

During the progress of this system in Europe, it was often mingled with local usages, and always moulded by national character. When it took root in Spain, that high-minded nation was animated by religious zeal and romantic gallantry. Modified by these predominating passions, the Civil Code of Castile seems to be the Roman law, softened by the spirit of Chivalry, and touched and purified by the influence of the Christian Religion. The parental power was reduced within its proper limits ; the female sex were emancipated, and peculiarly favoured ; and slavery itself assumed the form of protected servitude.

The laws peculiar to the Spanish colonies will be comprised, in an abridged form, in one of the volumes of this Digest. Those laws are now compiled in four folio volumes, and classed in nine books: a brief summary of their contents will enable the reader to judge how far they are calculated to interest or instruct him.

The **FIRST BOOK** is consecrated to the establishment of the Christian Religion, and its ministers:—This division treats of cathedral and parochial churches, monasteries, convents, hospitals, universities, colleges, and seminaries of education; of the extent of the privilege of asylum accorded to churches and monasteries; of the royal patronage in ecclesiastical appointments; of provincial and synodal councils; of archbishops, bishops, prebendaries, and generally the clergy, regular and secular, of all classes and orders; of tythes and other ecclesiastical dues; of the tribunals of the Inquisition, their jurisdiction and powers; of the ecclesiastical judges, visitors and conservators; of the apostolic bulls and briefs; of the books allowed to be printed and published in the Indies, &c.

The **SECOND BOOK** treats of the laws, and royal ordinances, to be observed in the Indies; of the council of the Indies, its fiscal, treasurer, secretaries, alguacils, advocates, procurators and other officers; of the royal audiences and chanceries, (tribunals of high jurisdiction,) and their various officers; of the auditors and-visitors of districts, and their jurisdiction; of the administration of the estates of deceased persons, &c.

The **THIRD BOOK** contains the laws which treat of the royal dominion and jurisdiction in the Indies; of the manner of appointing to offices, and bestowing rewards and

favours ; of the viceroys, presidents and presiding governors ; and their authority to levy war against hostile or rebellious Indians ; of forts, castles, and fortifications, their governors, and alcades, and the revenues assigned for their maintenance ; of the pay, privileges, and duties of the military in general, and the mode of deciding causes in which they are interested ; of the punishment of pirates ; of the application of prize money ; of commerce with foreigners ; of the honours to be paid to viceroys, governors, and other high officers, civil, ecclesiastical, judicial, and military ; and lastly, of the conveyance of letters by expresses and post couriers.

The FOURTH BOOK treats of new discovered countries, and the privileges and immunities bestowed on the discoverers ; of the reduction, pacification, conversion, and colonization of the Indian tribes and nations ; of the founding and settlement of new cities and towns, their councils, public officers and municipal government ; of grants, distributions, and sales of lands and building lots ; of the public property and funds of cities and towns ; of public granaries ; of duties, taxes, and contributions, for objects of public utility : of public works ; of roads, inns, taverns, boundaries, mountains, pastures, woods and vineyards ; of the commerce, provisions, and productions of the Indies ; of the discovery and working of mines, and the privileges to which miners are entitled ; of the alcades and secretaries of the mines ; of the assaying, melting and marking of gold and silver ; of the mints and their officers ; of the value of gold and silver, and the commerce thereof ; of pearl fisheries ; of the establishment of manufactures in the Indies.

The FIFTH BOOK treats of divisions and limits of governments, and the subordination of certain governors to the viceroys ; of governors, corregidores, alcades mayores, and alguacils, their duties, privileges and authority ; of the ordinary alcades, provincials, &c. ; of physicians, surgeons and apothecaries ; of notaries public and notaries of the government ; of the jurisdictions of the several tribunals, and the manner of determining disputes concerning the cognisance of causes ; of suits at law, and the proceedings therein ; of the pleadings, judgments and executions ; of the recusation (or challenging) of judges ; of appeals from the inferior tribunals, and from the royal audiences to the king ; of the mode of levying executions and the fees thereon ; of the examinations or trials which viceroys and other high officers must undergo on resigning, or being removed from their respective offices.

The SIXTH BOOK contains nineteen titles, which regulate the condition of the native Indians, and treat minutely of their marriages, employments, instruction, tributes, taxes, disabilities, and personal services ; of the privileges of the city and republic of Tlaxcala ; of the authority, rights, privileges and duties of the Indian caciques or chiefs ; of the exemption of the Indians from personal slavery ; of the means of reducing the wandering Indians to form towns and settled establishments ; of the public property of Indian communities, and the administration thereof ; of the good treatment and the official protectors of the Indians ; of the allotments (*repartimientos*) of Indians, and the revenues and services which may be exacted from them by the persons (*encomenderos*) to whom they are assigned ; of the duties of the *encomenderos* to protect and defend their Indian vassals, and to

promote civilization, learning and religion amongst them ; of the services which the Indians are liable to perform in agriculture and manufactures, in the mines, pearl fisheries, public inns, the transportation of goods, &c.

The SEVENTH BOOK treats of the powers and duties of the judges who are appointed by special commission ; of games of chance and gamblers ; of Spaniards absenting themselves in the Indies from their wives, or the ladies to whom they are bethrothed in Spain, and how they shall be compelled to return thereto, in order to cohabit with their wives, or to marry their affianced mistresses ; of vagrants and gipseys ; of mulattoes and negroes ; of jails, jailors, and the visitation and inspection of prisons ; of crimes and misdemeanors ; of fines and their appropriation.

The EIGHTH BOOK treats of the finances of the Indies, and of the various officers, councils and tribunals employed in collecting or enforcing the payment of the royal revenues ; of the method of keeping the public accounts ; of the administration of the royal finances ; of the tributes to be paid by Indians who are the immediate vassals of the crown ; of the proceeds of vacant *encomiendas* ; of the king's fifths of all gold, silver or other metals ; of the administration of the mines ; of treasures discovered in caves, Indian temples or sepulchres ; of estrays and deposits ; of the *alcavala*, or duties on the sales of property ; of custom houses ; of the duties on imports and exports, and the valuation according to which those duties are to be rated ; of the penalties incurred by the neglect or violation of the revenue laws : of the importation of slaves and the duties thereon ; of the *media annata*, or first fruits, (the half of one year's salary and emoluments of every place, office, and annuity conferred by the royal

authority ;) of the sale of offices, and the duty on the subsequent transfer thereof ; of the royal monopoly of quicksilver and salt ; of the duties on sealed or stamped paper, (requisite to give validity to public acts and to contracts ;) of the king's ninths, or portion of the tythes ; of the revenues of the vacant bishoprics and arch-bishops ; of the salaries of the king's officers, and the manner of paying them ; of assignments and appropriations of particular revenues ; of *libranzas*, or treasury orders ; of closing of accounts, and the manner in which the royal revenue is to be remitted.

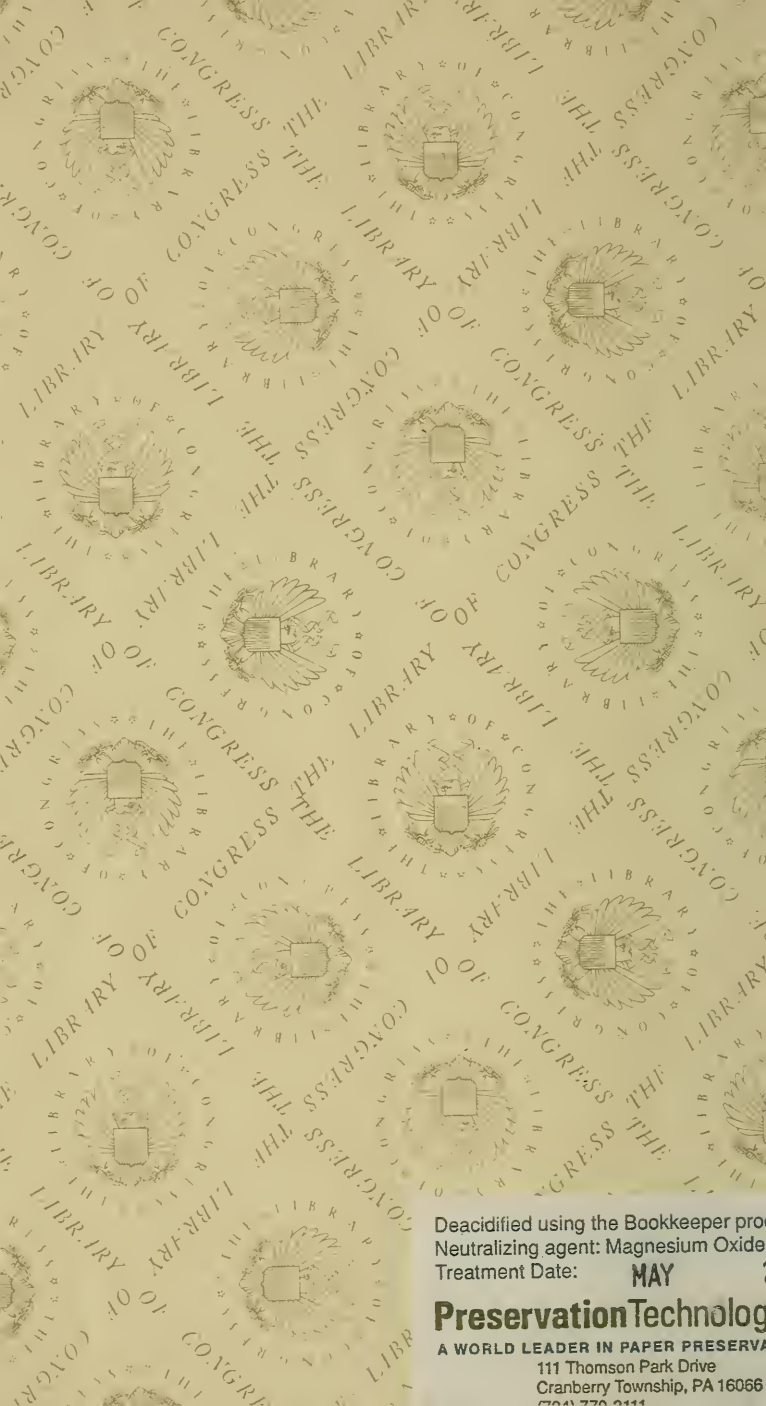
The NINTH and last BOOK treats of the royal audience and chamber of commerce of the Indies, residing at Seville, of its members and officers, its powers and duties ; of the consulate of merchants at Seville, trading to the Indies ; of the levy and administration of the duties on goods exported to the Indies ; of the company of merchants, purchasers of gold and silver ; of the generals, admirals and governors of the fleets and armaments of the trade of the Indies ; of the inspector, comptroller, victualler, paymaster, storekeeper, clerks and military officers belonging to the armadas and fleets ; of the corporation of ship-owners, pilots and mariners at Seville—their exemptions and privileges ; of licences to pass to the Indies, and to return to Spain ; of foreigners desirous to trade to the Indies : of the building, rigging and measurement of ships ; of the registering thereof ; of the search or examination of vessels ; of the navigation and voyage of the fleets, and the regulations to be observed therein ; of advice or packet boats ; of underwriters and policies of insurance ; of the judges of registers in the Canary islands, and of the commerce and navigation thereof ; of the navigation and commerce of the Windward islands,

and the adjacent provinces ; of the trade and navigation to the South seas, and to the Phillipine islands, China, New-Spain, and Peru ; of the consulates of merchants at Lima and Mexico.

The proposed work will be published in two volumes, 8vo.—at the usual price of Law Books.

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